

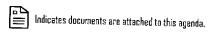
VILLAGE OF BISCAYNE PARK 640 NE 114TH STREET

BISCAYNE PARK, FL 33161

TEL: 305 899 8000 FAX: 305 891 7241 www.biscayneparkfl.gov

AGENDA

REGULAR COMMISSION MEETING Ed Burke Recreation Center - 11400 NE 9th Court Biscayne Park, FL 33161 Tuesday, January 11, 2011 at 7:00PM



- 1 Call to Order
- 2 Roll Call
- 3 Pledge of Allegiance
- 4 Presentations
- Certificate of Appreciation Miami-Dade County Commissioner Sally
 Heyman
- 4.b Certificate of Appreciation Busy Bee Carwash
- 4.c Certificate of Appreciation Miami Shores Rotary Club
- 4.d Certificate of Appreciation Knights of Columbus Marian Council
- 4.e Jack Osterholt Strategic Planning Session report.
- 5 Additions, Deletions or Withdrawals to Agenda
- 6 Public Comments Related to Agenda Items / Good & Welfare
- 7 Consent Agenda
 - 7.a Approval of Minutes
 - December 2, 2010 Special Commission Meeting
 - > December 7, 2010 Regular Commission Meeting
 - 7.b Acceptance of Donation of \$15,000 from Florida Power & Light

- Mayor and Commission
 - Roxanna Ross Mayor
 - Steve Bernard Vice Mayor
- Robert "Bob" Anderson Commissioner
 - Albert Childress Commissioner
 - Bryan Cooper Commissioner
 - Ana Garcia Village Manager
 - John J. Hearn Village Attorney
 - Maria Camara Village Clerk



7.c Resolution 2011-01

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECTUION OF CERTAIN CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

7.d Resolution 2011-02

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK EXPRESSING SUPPORT FOR FEDERAL FUNDING IN **SUPPORT OF THE PORT OF MIAMI DEEP DREDGE PROJECT**; PROVIDING FOR AN EFFECTIVE DATE (Sponsored by Mayor Roxanna Ross).

7.e Resolution 2011-03

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **PROCLAIMING 2011 MARTIN LUTHER KING DAY A DAY FOR COMMUNITY SERVICE** IN THE VILLAGE OF BISCAYNE PARK AND COMMUNITY BEAUTIFICATION EVENT; PROVIDING FOR AN EFFECTIVE DATE (Sponsored by Mayor Roxanna Ross).

7.f Resolution 2011-04

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, OPPOSING THE PROPOSED EXPANSION OF THE MIAMI SHORES MONTESSORI SCHOOL LOCATED AT 577 N.E. 107TH STREET, PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Roxanna Ross).



7.g Resolution 2011-05

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT A POLICY FOR RECOGNITION OF EXEMPLARY PEFORMANCE FOR VILLAGE STAFF; PROVIDING FOR AN EFFECTIVE DATE (Sponsored by Manager Ana Garcia).



7.h Acceptance of 2011 regular commission meeting schedule for regular monthly commission meetings. (Sponsored by Manager Ana Garcia.)

- Expenditure of Federal Forfeiture Funds \$375 for attendance at a training seminar, Building a Model Records Section. (Sponsored by Chief Mitchell Glansberg)
- Selection of Grisette Roque Marcos as Recreation Advisory Board member by Commissioner Robert Anderson
- 8 Public Hearings < None >
- 9 Ordinances FIRST READING < None >

Ordinances - SECOND READING



9.a Ordinance 2010-14

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VI ENTITLED "FINANCE" BY ADDING SECTIONS 2-76 "DEFINITIONS" AND 2-77 "AUTHORITY TO MAKE INTRADEPARTMENTAL BUDGET AMENDMENTS BY VILLAGE MANAGER" ESTABLISH PROCEDURES BY WHICH THE VILLAGE MANAGER AUTHORIZE AMENDMENTS WITHIN DEPARTMENT WITHOUT VILLAGE COMMISSION APPROVAL; BUDGETS AMENDING CHAPTER 2, ARTICLE VIII TO HAVE REFERENCES TO THE DIRECTOR OF FINANCE REPLACED WITH VILLAGE MANAGER THROUGHOUT ARTICLE VIII AND AMENDING CHAPTER ARTICLE 2, VIII REFERENCING APPROPRIATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE



9.b Ordinance 2010-16

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2009-6 ADOPTED ON SEPTEMBER 22, 2009 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2009-2010, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

10 Resolutions < None >

11 Old Business

- October 21, 2010 Investigative Report from Robert D. Soloff, Esquire (Motion made at the November 5, 2010 meeting to add to the January 2011 agenda.)
- Draft legislation: Code changes for fences and walls, corner lots, and 11.b hedges. (Motion made at the December 7, 2010 meeting to add to the January 2011 agenda for further discussion.)
- 11.c Selection of board member replacements:
 - > Commissioner Cooper: Parks & Parkway Advisory Board Moved from the December 7, 2010 meeting.

12 New Business

Commissioner Cooper: "New police department procedures vs.

12.a continuing crime waves in the Village". (Moved from the December 7, 2010 meeting.)

Commissioner Cooper: "Future condensed short bullet list of agenda 12.b items to be sent on day 7, prior to Commission meeting, by Clerk to Commission". (Moved from the December 7, 2010 meeting.)

Commissioner Cooper: "Discussion of merit awards for public works staff". (Moved from the December 7, 2010 meeting.)

Vice Mayor Bernard: A discussion of a new shade tree at the Recreation Center. (Moved from the December 7, 2010 meeting.)

13 Final Public Comment

14 Reports

14.a Committee Reports

> Parks & Parkway Advisory Board

ij > Code Review Board

iii > Recreation Advisory Board

ĺν > Ecology Board

14.b Village Attorney

- > Update on Biscayne Park Foundation
- > Invoice due from Robert Soloff

14.c Village Manager

> Monthly financial report - December 2010 (Finance Director Michael Arciola)

14.d Commissioner Comments

- > Vice Mayor Steve Bernard
- > Commissioner Bob Anderson
- > Commissioner Steve Childress
- > Commissioner Bryan Cooper
- > Mayor Roxanna Ross

15 Announcements

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, January 12th - Recreation Advisory Board at 6:30PM Monday, January 17th - All Village departments are closed in observance of Martin Luther King Day.

Tuesday, January 18th - Planning & Zoning Board at 6:30PM Tuesday, January 18th - Code Enforcement Board at 7:00PM Wednesday, January 19th - Parks & Parkway Advisory Board at 6:00PM

Thursday, January 20th - Ecology Board at 6:30PM Tuesday, January 25th - Code Review Board at 7:00PM

Our next regular Commission meeting is Tuesday, February 1st at 7:00PM.

Please visit our website regularly at **biscayneparkfl.gov** and click on the Calendar of Meetings & Events to view the full schedule.

15 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accomodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Certificate of Appreciation @ Recognition

is hereby granted to:

Miami-Dade Commissioner Sally Heyman



Your generosity and continued support is truly making a difference in the Village of Biscayne Park

January 11, 2011

Roxanna Ross, Mayor

Certificate of Appreciation @ Recognition

is hereby granted to:

Busy Bee Car Wash



In acknowledgment of your contributions and support to the Village of Biscayne Park Police Department

January 11, 2011

Roxanna Ross, Mayor

Certificate of Appreciation @ Recognition

is hereby granted to:

Miami Shores Rotary Club



Your continued support and generosity is a partnership we truly value and your efforts are a great benefit to our Village

January 11, 2011

Roxanna Ross, Mayor

Certificate of Appreciation @ Recognition

is hereby granted to:

Knights of Columbus Marian Council



Your generosity and support to the Village of Biscayne Park's Recreation Department is a positive impact in our community!

January 11, 2011

Roxanna Ross, Mayor

Preliminary Draft by Jack Osterholt

Introduction

On October 23, 2010, the Mayor and City Commission of Biscayne Park convened a daylong workshop designed to outline and define a set strategic issues that will have an impact on the Village over the next three to five years. This effort resulted in a detailed list of issues that the Village leadership ranked in priority order. The purpose of this effort was to provide staff with a policy-based starting point as they design programs and projects. Once these priority issues are adopted, they will have a significant impact on the content of the FY 2011–2012 Annual Village Budget. The Annual Budget is the backbone for providing policy and program direction to the Village Manager and Village departments. These programs will often require work plans and measures to provide the Village Commission with progress toward reaching desired changes and service improvements for Village residents and visitors.

During their daylong proceedings, the Village Commission nominated and discussed more than seventy issues. Once these issues were reviewed and analyzed, each Village Commission Member put the issues that they felt were most important in priority order. The results of this effort are found throughout this document, and enumerated in the appendix. Listed below are the ranked strategic issues in the priority order as set by the Village Commission. Attached to each is a brief narrative description that captures some of the discussion that took place during the October workshop. Following this description, there is a complete listing of all of the strategic issues that were discussed by the Village Commission sorted into four general policy categories, which served to structure in initial discussion.

Strategic Priorities

Of the seventy-four strategic issues nominated by the members of the Village Commission as important to the Village's future, eighteen were ranked as priorities. They are listed in priority order as:

1. There were two issues that received the same number of votes and were ranked as first by the Mayor and Village Commission Members. These were:

<u>Street Repairs and Maintenance</u>: From a business perspective, the Village has a significant investment in the streets and roads that serve out residents. It is important that keeping them in good repair is a high priority of the Village.

Technology for participants: During the discussion, many references were made toward improving access to up-to-date technology for our residents. Access to computers and the Internet was discussed, and program to expand access to those who do not currently access or working knowledge was listed as important.

2. As with the issues that received enough votes to be in first place, there were two strategic issues that received second place votes:

Signage that is unique: Giving the Village a unique sense of place with branding of all kinds was the topic of conversation during the day, but street signage, and Village entrance features were often discussed.

<u>Village Code Compliance that works with residents.</u> A well-defined community code that is applied consistently and fairly is the basis for a community that feels protected, and not hassled.

3. In third place was a group of issues that received the same number of votes:

Maintain the Canals and Dam: Water features can either enhance a community, or cause concern about overgrowth, trash and a general lack of visual appeal.

<u>FEC Track Sound Wall</u>: As the frequency of trains has increased, their impact on the surrounding area has become more bothersome. Working with the FEC and adjacent communities to buffer the sound is an important issue to address.

<u>Public Safety and Crime Reduction</u>: Even though the Village is a relatively safe environment for our citizens, there is always a

concern that we not only keep our safe places, but also improve our efforts to reduce that criminal acts that do occur here.

Commission Conflicts: Our elected officials come to their task of governing the Village with every good intention to make the best policy decision possible for our residents. On occasion that may manifest itself as conflicts between Commission members. The Mayor and Commission Members understand the need for the discussion of issues, but agree it must be civil and fair to reduce conflicts to a minimum.

Manager Conflicts: The disagreements that arise between one or more members of the Village Commission, and the Village Manger are often the basis for failures in program implementation. These problems are easily resolved when there is a clear management philosophy espoused by the majority of the Manager's bosses, the Mayor and Village Commission. Finding ways to insure that these differences that clearly exceed healthy discussion do not impede quality service delivery is vital to the Village's long-term success. Education and Training: Keeping a workforce trained on the best practices in affordable service delivery is always a challenge in any organization. City governments are no different. This is always a balance between the need to improve, and the ability to fund such training. The Village Commission and the Manager must continually strive to find ways to address these key issues. <u>Programs for Residents</u>: The purpose for the Village is to provide programs and services to the Village's clients, the residents and businesses that live in the Village. Working with the citizens the Manager should compare the wishes citizens with the Village's current menu of programs.

Protect the Historic Aspects of the Village's Log Cabins: One of the most important historic resources located in the Village are the few remaining log cabins. The current Village Hall is housed in one that is on the State's Historic Registrar. The Village Commission raised the issue of insuring that such important historic resources are protected.

<u>Safe Pathways</u>: During their discussion, the Village Commission raised the idea that developing a set of safe pedestrian pathways be re-established throughout the Village.

Policies and Procedures that Address Village Relationships with Neighboring Cities: Many issues that need resolution within the Village are best resolved with the joint efforts of the Village and it's adjoining municipal neighbors. During the discussions the concept of setting policies and procedures to guide these discussions especially for staff was an important idea,

<u>BP Foundation</u> Working to develop an approach that will assist the BP Foundation to move forward on an agenda of needed programs was the topic of discussion by the Mayor and Village Commissioners.

<u>Strengthening Liens</u>: During the discussion, it was unclear about the purpose of this lien.

A Direction for Biscayne Park

The overall themes listed below are an attempt to knit together the strategic issues nominated by the Village Commission into broad categories of action. They are not presented in priority order since they contain grouping if issues that were ranked as well as some that were unranked. All of the issues nominated by the Commission are considered to be important. A listing and discussing of priority ranking follows these overall themes.

Clean Up / Fix Up

Maintaining the beauty and viability of the Village is one of the most important and often discussed themes during the workshop. Keeping the Village infrastructure in good repair in a timely manner is key, especially when Village roads and streets are concerned. One element of the Village that provides a unique living environment is the lush tree canopy that is present in much of the Village. Making sure that the canopy is well maintained and trees are managed to protect and enhance their development was important to the Commission during their discussion. Finally, the Village is very fortunate to contain an important group of log cabins, including the current Village Hall. The Commission feels that these important historic structures need to be protected.

Conserve Energy

Energy management is an essential part of any business or organization's daily efforts. A government such as the Village of Biscayne Park has two roles when considering this issue area:

- Managing energy as a business matter to reduce the cost of street lighting, etc., and
- Providing assistance to Village residents in helping them conserve energy as a public policy matter.

Both are very important, and is a key element of a strategic planning effort. Setting policies and programs to encourage good energy use, and finding ways to save both energy and public money is not only good public policy but also good business.

In addition to the need to manage our energy supply more efficiently, we need to find ways to increase our available energy choices. Encouraging the use of newer and available hybrid technologies, especially in vehicles is certainly a good place to start. Policies that state that where practicable, the Village will procure hybrid cars and trucks sets not only an important image for the Village, but more importantly can make good business sense. Also, using the Village's leverage to increase the availability of natural gas to Village residents is also

providing a good choice in home energy needs.

Our Livable Neighborhood

Making the Village a more pleasant place to live aesthetically is a topic of great interest to the Commission given the discussion that went on during their Strategic Initiatives retreat. Improving the entry markers and unique street signs which provide a sense of place for both residents and visitors is important, and working with the County to identify our streets both by their current names, as well as the original names of Village streets was also discussed. Branding the Village so that residents and visitors have a sense of place greatly improves the Village ambience.

Code compliance is vital to keeping our community clean and safe. Instituting a program for timely responses for maintenance and upkeep of foreclosed homes is important. The Village must keep good records of those costs and placing liens on those properties so that the Village can be repaid by the seller when the property is sold.

The FEC tracks provide a unique challenge for Village residents. As homes and apartments have developed nearer to the tracks, and as traffic on the tracks has increased, the need to buffer residents from the noise that is created by the trains becomes more of an issue. One practical solution is to work with the FEC and our adjacent neighbors in cities and the unincorporated areas of Miami-Dade County to construct a wall should begin.

Finally, making our Village as "walkable" as possible creates an essential sense of community. Finding and restoring as many of the original pathways through the Village that were part of the original village plan as practical is a good start.

Biscayne Park, Inc. - the Business of Government

Managing the business of running the Village of Biscayne Park is one of the most important jobs of the Mayor and Village Commission, and the Village Manager and the departmental staff that report to her. Village Commission meetings are the vehicles where the direction of the Commission is provided to the Manager based on Commission majority vote. It is the Manager's responsibility to provide the Commission with professional analysis of problems and opportunities for their review, respond to questions of the Commission, and then implement their majority decisions within the bounds of the law, and adopted Village codes. The Mayor is responsible for managing the meetings, and insuring that all points of view are fairly heard. Professional conduct as prescribed by an accepted rule of order must be adhered to. All of this professional and civil problem resolution provides the Village residents with the best quality governance. Commission conduct and conflicts, and their professional approach to the Village Manager was discussed and agreed as important by the Strategic Initiatives Workshop participants. The Workshop participants described a need to improve elected officials knowledge of the workings of municipal government, and provide policies and procedures to both elected officials, and staff in the Village.

The participation of village residents in shaping important decisions is and essential part of key village decisions. Keeping Village residents informed of important Village business and polices must employ the use of all aspects of the media and newsletters available to the Village. Insuring that the Village Boards and Committees are properly staffed with committed Village residents is also important, and the responsibility of the Village Commission, which they take very seriously.

One of the most important and valuable resources of the Village are the men and women who make up the Village departmental staffs. The Mayor and Commissioners recognize the value of their employees, and always strive to provide the best working environment for the employees within the financial bounds of the Village. "Thinking outside the Box" was a term used by Commissioners to apply to ways to recruit and maintain valued Village staff. Investing in Village employees is an important function of the Commission. This includes providing education and training to improve their job performance within financial constraints.

The Village of Biscayne Park is fortunate to have an existing Foundation to assist it in funding activities important to the Village. Working with the Foundation and the Village Attorney to insure that the roles and responsibilities of the Foundation are clearly defined, and their relationship to the Village government is within the bounds of state and federal mandates.

When businesses of any type or size are discussed, the talk soon turns to finances. BiscaynePark, Inc. is no different. Improving the budgeting and financing of the Village was very important to the Commission. Improving the Village's budgetary systems was the first point of discussion. Converting the current budget from more of an accounting document to a policy document was one of the reasons for the Workshop. The concept ofzero-based budgeting was discussed, and was initiating a Budget Committee. On the financing side, the idea of working to improve the Village's credit rating, and reviewing all current and potential revenue streams for the Village was an important part of the discussion.

Finally the discussion turned to improving our inter-governmental relations. Working more closely with our neighbors on jointly shared projects and potentials was a topic for discussion.

Tech Specs

Keeping both the Village administration and the residents as up to date as possible with technological advancements in computerization and communications was a topic of conversation. This included encouraging improved Internet connectivity, and the development of WiFi Hotspots. Also improved computer training for both residents and staff, and better access to computers for those who do not have one in their residence is an important part of narrowing the technology divide between those with technology and those without.

A Great to Walk and Play

Recreation and relaxation services are often one of the most important and enjoyed services provided by a municipality. Targeted Strategic Initiatives dealing with comprehensive parks and recreation programs for both youth and elders. Improving Village facilities including using wide medians for linear parks, and expanding the idea of public festivals in the parks were discussed. Focusing the use of facilities and programs to residents, rather than the public in general was a concern.

Protecting Our Environment

Often small municipalities like the Village think that environmental protection is an issue covered by the State or County. During our discussion, it became clear that Strategic Initiatives in environmental protection must include better septic tank regulation given the age of houses in the Village, and the lack of central sewer services. Providing, environmental education was determined to be an important role for the Village to play. New education materials, and education for staff and residents were discussed as Strategic Initiatives.

Addressing Community Needs

Often discussed as a catchall topic, this discussion during the Strategic Initiatives Workshop was very focused on principally public safety. Crime prevention, community policing and emergency management were topics covered. Safety was also the topic of conversation during discussions of street lighting and walking paths.

Improving citizen involvement with better civic understanding for young residents and through citizen academies. Citizen and resident support through organized help for residents to maintain their homes was also part of the idea of citizen involvement.

Finally improving library services in the Village was significant community need, which was very well supported during the discussion.

Better Mobility, Better Access

Improving community access through better transportation options is a difficult issue for a small municipality address. Transit issues like greenway transit, and working with other cities along the FEC line to create some commuter service was discussed. And from a traffic calming perspective, closing a median opening on 5th Ave. was suggested by participants.

Conclusion

There were eight overall strategic themes that came from the Workshop. These eight themes encompassed over sixty nominated initiatives. The themes covered nearly every aspect of living and working in the Village, and provided and excellent framework for a policy statement, which can drive program development, management and budgets. This begins an opportunity to provide clearly articulated and Commission approved strategic policy to guide the Village's next five to seven years. Each year, these policies are reviewed, revised and new ones added through a process much like this one.

Appendix 1: Issue Rankings by Issue Area

Our Environment

1st Street repair and maintenance 3 votes

Tie for 2nd Maintain canals/dam 1vote

Tie for 2nd FCC track sound wall 1 vote

Our People

Tied for 1st: Safety - crime reduction 1 vote

Tied for 1st: Close median openings (5th Ave) 1 vote

Tied for 1st: Commission Conflicts: 1 vote

Tied for 1st: Manager conflicts I vote

Tied for 1st: Community policing 1 vote

Tied for 1st: Education & training 1 vote

Tied for 1st: Programs for residents 1 vote

Our Community

1st: Technology for participation 3 votes

2nd: Signage = uniqueness 2 votes

Tied for 3rd: Protect historic aspect of log cabin 1 vote

Tied for 3rd: Safe pathways 1 vote

Tied for 3rd; policies and procedures: dealing with neighboring cities & employees dealing

with situations

Our Economy

1st: Code to work w/ property owners 2 votes

Tied for 2nd: BP Foundation - Move forward 1 vote

Tied for 2nd: strengthening liens 1 vote:

TOTAL VOTES CAST: 24

Appendix 2: Rankings of ALL issues

First: 3 Votes

- Street Repairs and Maintenance
- Technology for participants

Second: 2 Votes

- Signage = uniqueness
- Code to work with property owners

Third: 1 Vote

- Maintain Canals/Dam
- FCC Track Sound wall
- Safety crime reduction
- Close median openings
- Commission Conflicts
- Manager conflicts
- Community Policing

- Education & Training
- · Programs for residents
- · Protect historic aspect of log cabin
- Safe pathways
- Policies and procedures: dealing with neighboring cities & employees dealing with situations
- BP Foundation Move forward
- · Strengthening liens

Unranked: no votes

- · Tree Removal
- Timely removal of dead trees
- Septic Tanks (regulations)
- Low Impact policy-Hybrids
- Facilitate Transportation in a Greenway
- Street repair/maintenance
- Timely median maintenance
- Lighting/renewable energy
- Commuter railway

- Update educational materials for residential usage
- Board/Committee updates
- · Timely response to maintenance of foreclosed homes
- · Environmental education for staff and residents
- Expand natural gas lines
- Alternative energy initiatives
- Environmental hazards notification and procedures
- · Residential participation
- · Education and Training
- Comprehensive parks and recreation programs for youth and elders
- · Using broad medians as parks
- Assistance to residents during emergencies
- Encourage connectivity
- · Reach out to new homeowners
- Programs for residents
- Develop Jr. Civic Club
- Quality of life
- Special needs for elderly residents

- Residents vs. Non-residents
- Pets
- Adults/kids programs
- Branding our Village
- · Code enforcement and review
- Neighborhood identity/distinction (street names)
- Overall policy to increase property values
- Administration Building/meeting place
- Use of media and newsletter to reach residents
- Working with neighborhood and partnering with other jurisdictions
- Access to Education for computer resources
- WIFI hotspots
- · Survey of community needs and analysis
- Improve library system/access
- · Identifying original pathways
- Elected Officials Handbook
- Citizen's Academy

- Signage (entry points)
- Unique City Services
- Home business support
- More festivals (exposure for businesses)
- Budget zero based & budget committee
- Think outside the box invite and retain valuable employees
- Overall policies to increase revenue
- Grants
- Commit to invest into professionals
- Program to help residents maintain homes
- Property values
- Review revenues



VILLAGE OF BISCAYNE PARK 640 NE 114TH STREET BISCAYNE PARK, FL 33161 TEL: 305 899 8000 FAX: 305 891 7241 www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross Mayor

Bryan Cooper Vice Mayor

Robert "Bob" Anderson Commissioner

> Steve Bernard Commissioner

Albert Childress Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

MINUTES

SPECIAL COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Ct.
Biscayne Park, FL 33161
Thursday, December 2, 2010 at 6:30PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 6:45PM. In addition to Mayor Ross, present were:

Vice Mayor Bryan Cooper Commissioner Bob Anderson Commissioner Steve Bernard Commissioner Al Childress

Present from staff were:
Village Manager Ana Garcia
Village Clerk Maria Camara
Village Attorney Hearn
Police Chief Mitchell Glansberg
Public Works Administrative Assistant Cesar Hernandez

3 Pledge of Allegiance and Moment of Silence

Mayor Ross introduced the sculptor, Bilhenry Walker, who provided his background and information on the art piece.

4 Public Comments Related to Agenda Items / Good Welfare

Dan Samaria Charles Ross Chester Morris Alfred Jonas Kristen Montouri

5 Old Business

Manager Garcia's report on the location and installation of the donated art piece.

Manager Garcia provided her report and her decision to install the sculpture at Griffing Park, after her discussions with the Parks & Parkway Advisory Board, Ecology Chair, Planning & Zoning Chair, and based on the recommendation of the Parks & Parkway Advisory Board.

After a discussion on whether the Planning & Zoning Board had reviewed the plans, a motion made by Commissioner Childress to not have a requirement that the Village get a permit for the installation of the art piece. It was seconded by Commissioner Anderson.

After further discussion, the motion was amended by Commissioner Childress to have the Manager work with the Building Official. If in the professional opinion of the Building Official a permit was not required for the installation, then the Manager would not be required to obtain a permit. The amended motion was accepted by Commissioner Anderson.

After discussion, the motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, and Commissioner Anderson

All opposed: Commissioner Bernard, Vice Mayor Cooper

Motion carries: 3/2

A motion made by Commissioner Bernard for the Commission to have the responsibility to decide where the art sculpture will be located instead of the Manager. It was seconded by Vice Mayor Cooper.

Commissioner Bernard asked for clarification from the Attorney as to whether there was a conflict of interest in that the Mayor's husband, Charles Ross, and Commissioner Childress' wife, Kitty Childress, both donated funds towards the art sculpture.

Attorney Hearn explained that there was no pecuniary gain, meaning no material or financial benefit. Therefore there was no conflict.

After discussion, the motion was called to a vote:

All in favor: Commissioner Bernard, Vice Mayor Cooper

All opposed: Mayor Ross, Commissioner Childress, Commissioner Anderson

Motion fails: 2/3

A motion made by Commissioner Childress to ratify the Manager's decision to install the art scultpture in Griffing Park at the determined location. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, and Commissioner Anderson

All opposed: Commissioner Bernard, Vice Mayor Cooper

Motion carries: 3/2

6 Final Public Comments

Gary Kuhl - Commissioner Bernard's motives	
Tracy Truppman - Commissioner Bernard's comments Barbara Kuhl - Motion on landscaping at Parks & Parkway Board meeting;	
Dan Samaria - future sculptures	
Dale Blanton - Thanks given to donors, boards; future sculptures	
Mating to adjacent by Commission of 2.1	and a considerable of Communication
Motion to adjourn by Commissioner Childress and seconded by Commissioner Anderson.	
Aliderson.	
The meeting was adjourned at 8:43PM	
Commission approved on	······································
	Attest:
Roxanna Ross, Mayor	Maria Camara, Village Clerk
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VILLAGE OF BISCAYNE PARK 640 NE 114TH STREET BISCAYNE PARK, FL 33161 TEL: 305 899 8000 FAX: 305 891 7241 www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> Albert Childress Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

MINUTES

REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, December 7, 2010 at 7:00PM

1 Call to Order

2 Roll Call

Mayor Roxanna Ross called the meeting to order at 7:09PM. In addition to Mayor Ross, present were:

Vice Mayor Bryan Cooper Commissioner Bob Anderson Commissioner Steve Bernard Commissioner Al Childress

Present from staff were:

Village Manager Ana Garcia

Village Clerk Maria Camara

Village Attorney John Hearn

Finance Director Michael Arciola

Police Chief Mitchell Glansberg

Public Works Director Bernard Pratt

Public Works Administrative Assistant Cesar Hernandez

Parks & Recreation Director Issa Thornell

3 Pledge of Allegiance and Moment of Silence

Mayor Ross introduced the change of Vice Mayor, as is customary every six months, from Commissioner Cooper to Commissioner Bernard.

4 Presentations

Code Enforcement Officer Miguel Parages, Jr. was introduced by Manager Garcia.

Recognition of Public Works Director Bernard Pratt and police officers Ray Atesiano and Lawrence Churchman for their actions that led to the arrest of an individual. Recognition also of the success of the Village of Biscayne Park on Patrol (VOBPOP).

Commissioner Childress asked Manager Garcia to come back with ideas and format or policy for employees to be recognized who go above and beyond.

Letter of accomodation from North Miami Police Chief regarding Captain Antonio Sanchez was read by the Village Clerk.

Certificate of appreciation given to building inspector Sal Annese for his contribution on behalf of the Town of Medley of the parking bumpers for Village Hall.

Presentation provided by the Village Clerk on enhancements to the Village website which include the listing and posting of ordinances and resolutions, and the posting of approved minutes for commission meetings and board/committee meetings.

5 Additions, Deletions or Withdrawals to the Agenda

Item 7b was moved to section 10, as 10a.

Item 7c was deferred to the January 11, 2011 meeting.

Item 7e was deferred to the January 11, 2011 meeting.

Item 11b was moved to be discussed after item 8a.

Commissioner Anderson requested that items 12b, 12c and 12d be tabled until next meeting. Mayor Ross would deal with that request when the items came up for discussion.

Commissioner Cooper requested that a grant discussed at a prior Parks & Parkway Advisory Board meeting be discussed during the Manager's report.

Commissioner Cooper requested that the Manager provide reasoning why item 7c was deferred to January during the Manager's report.

6 Public Comments Related to Agenda Items / Good Welfare

Barbara Kuhl - art sculpture.

Ronald Fetch - Item 11b, Code changes for fences and walls, corner lots and hedges.

Marcelo Adario - Item 11b, Code changes for fences and walls, corner lots and hedges.

Jeffrey Jones - Item 11b, Code changes for fences and walls, corner lots and hedges.

Tracy Tirano - Item 11b, Code changes for fences and walls, corner lots and hedges.

7 Consent Agenda

Left on the consent agenda are items 7a and 7d.

Commissioner Cooper pulls item 7d for discussion.

Commissioner Childress makes a motion to approve item 7a which are the minutes for:

- > September 14, 2010 Regular Commission Meeting
- > September 21, 2010 2nd Public Hearing FY 2010-11 Budget
- > October 5, 2010 Regular Commission Meeting
- > October 22, 2010 Special Commission Meeting
- > November 4, 2010 Regular Commission Meeting

It was seconded by Commissioner Anderson.

Vice Mayor Bernard and Commissioner Cooper pull the minutes for September 14th, September 21st and October 5th.

Commissioner Childress amends his motion to approve the remaining minutes for October 22nd and November 4th.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress,

Commissioner Anderson and Commissioner Cooper.

Motion carries: 5/0

On the minutes of September 14th, Vice Mayor Bernard makes a motion to approve the minutes with the addition of his notes that were provided. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All Opposed: Mayor Ross, Commissioner Childress and Commissioner Anderson.

Motion fails: 2/3

Commissioner Anderson makes a motion to approve the minutes of September 14th as submitted by the Clerk. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All Opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries 3/2

On the minutes of September 21st, Vice Mayor Bernard makes a motion to approve the minutes with the addition of his notes that were provided. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All Opposed: Mayor Ross, Commissioner Childress and Commissioner Anderson.

Motion fails: 2/3

Commissioner Anderson makes a motion to approve the minutes of September 21st as submitted by the Clerk with a correction on the name of the attorney that was present at the meeting. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All Opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries 3/2

On the minutes of October 5th, Commissioner Cooper makes a motion to outsource the production of minutes. It was seconded by Vice Mayor Bernard with an amendment to the motion that the selection be done through a bid process. Commissioner Cooper accepts the amendment.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All Opposed: Mayor Ross, Commissioner Childress and Commissioner Anderson.

Motion fails: 2/3

Commissioner Anderson makes a motion to approve the minutes of October 5th as submitted by the Clerk with a correction to page 9, item 13d that October is Breast Cancer Awareness Month. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All Opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries 3/2

On item 7d, Resolution 2010-33, Mayor Ross provided the background. Commissioner Cooper requested additional clarification on the resolution to guarantee that the Village's share of the CITT funds would not be minimized.

After discussion, a motion made by Vice Mayor Bernard to approve Resolution 2010-33. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson,

Commissioner Childress and Commissioner Cooper.

All Opposed: None Motion carries: 5/0

8 Public Hearings

Attorney Hearn provided the background on the variance request from property owners Kim & Leonard Esquivel of 850 NE 118th Street, to allow a shed measuring 12' x 16' (192 sq. ft.).

Attorney Hearn swore in those that would be speaking on the variance request during this quasi-judicial hearing portion of the meeting.

After discussion, the quasi-judicial hearing portion was closed.

A motion made by Commissioner Childress to accept Planning & Zoning's recommendation to approve the variance with a caviat that at the time of sale, the shed be removed (the variance runs with the land). Additionally,

- > The shed will be setback from the side and rear property lines a minimum of 10'.
 - > There will be no electricity to the shed.
 - > The shed will not be visible from the right of way.
 - > The shed will be obscured with hedging.

The motion was seconded by Commissioner Anderson.

After discussion, Vice Mayor Bernard asked for an amendment to the motion to remove the caviat that the shed be removed at time of sale. Commissioner Childress accepted the amendment, as well as Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson,

Commissioner Childress and Commissioner Cooper.

All Opposed: None Motion carries: 5/0

Attorney Hearn will draft the resolution granting the non-use variance to be executed by the Mayor and Clerk.

Item 11.b, draft legislation on code changes for fences and walls, corner lots and hedges, was moved to this point of the meeting.

Attorney Hearn and Code Review Chair Gage Hartung provided the background.

During discussion, Attorney Hearn would make the following changes to the draft ordinance.

- 1. 11.6.1 add clarifying language;
- 2. 11.6.3(c) add the word "fencing";
- 3. 11.6.3(d) delete the words "with a concrete cap"
- 4. 11.6.6 add language to address existing fences and walls

A motion made by Commissioner Cooper to continue discussion of the draft ordinance as old business, but not as a first reading. It was seconded by Commissioner Anderson.

Mayor Ross adds that Commissioners provide to the Clerk their questions and notes so that the Clerk can collect and forward to the Code Review Board prior to their next meeting.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson,

Commissioner Childress and Commissioner Cooper.

All Opposed: None Motion carries: 5/0

9 Ordinances - First Reading

Ordinance 2010-14

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF BISCAYNE PARK ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE VI ENTITLED "FINANCE" BY ADDING SECTIONS 2-76 "DEFINITIONS" AND 2-77 "AUTHORITY TO MAKE INTRADEPARTMENTAL BUDGET AMENDMENTS BY VILLAGE MANAGER" TO ESTABLISH PROCEDURES BY WHICH THE VILLAGE MANAGER MAY AUTHORIZE AMENDMENTS WITHIN DEPARTMENT BUDGETS WITHOUT VILLAGE COMMISSION APPROVAL; AMENDING CHAPTER 2, ARTICLE VIII TO HAVE REFERENCES TO THE DIRECTOR OF FINANCE REPLACED WITH VILLAGE MANAGER THROUGHOUT ARTICLE VIII AND AMENDING CHAPTER 2. ARTICLE VIII REFERENCING **BUDGET** APPROPRIATION: PROVIDING **FOR** CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION: PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and Manager Garcia provided the background.

Mayor Ross opened the meeting for public comments on the ordinance.

> Alfred Jonas

A motion made by Commissioner Anderson to approve at first reading. It was seconded by Commissioner Childress.

After discussion, the motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All Opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries 3/2

Ordinance 2010-16

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2009-6 ADOPTED ON SEPTEMBER 22, 2009 FINALIZING AND ADOPTING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2009-2010, BY AMENDING VARIOUS PARTS OF THE BUDGET CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and Manager Garcia and Finance Director Arciola provided the background.

Mayor Ross opened the meeting for public comments on the ordinance and there were none.

A motion made by Commissioner Anderson to approve at first reading. It was seconded by Commissioner Childress.

After discussion, the motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, Commissioner Anderson, and

Commissioner Cooper

All Opposed: Vice Mayor Bernard

Motion carries 4/1

Ordinances - Second Reading

Ordinance 2010-13

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE OF BISCAYNE PARK, FLORIDA; APPROVING THE SCHEDULE FOR SOLID WASTE COLLECTION AGAINST ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE OF BISCAYNE PARK FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2010; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title of the ordinance and reviewed the changes made since the first reading of the ordinance.

Mayor Ross opened the meeting for public comments on the ordinance and there were none.

A motion made by Commissioner Anderson to approve at first reading. It was seconded by Commissioner Childress.

After discussion, the motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress and Commissioner Anderson.

All Opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries 3/2

At 10:55PM, a motion made by Vice Mayor Bernard to extend the meeting to 11:10PM. It was seconded by Commissioner Cooper.

After discussion, the motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All Opposed: Mayor Ross, Commissioner Childress and Commissioner Anderson.

Motion fails 2/3

The Clerk read the announcements:

Announcements

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Wednesday, December 8th at 6:30PM - Recreation Advisory Board

Friday, December 10th at 11:30AM - Unveiling of Biscayne Park Way signage with Florida Department of Transportation at the south end location.

Saturday, December 11th at 10:30AM - Official unveiling of Biscayne Park Way signage at the south end location.

Saturday, December 11th at 11:00AM - Unveiling of art sculpture donation at Griffing Park, 115th Street and Sixth Avenue.

Saturday, December 11th - Volunteer Appreciation has been cancelled and will be rescheduled in January.

Tuesday, December 14th at 7:00PM - Code Review Board

Wednesday, December 8th at 6:00PM - Parks & Parkway Advisory Board

Thursday, December 16th at 6:30PM - Ecology Board

Saturday December 18th starting at 10:00AM Winterfest which includes the redribbon cutting ceremony for the newly renovated Ed Burke Recreation Center and new signage.

Monday, December 20th at 6:30PM - Planning & Zoning Board

Tuesday, December 21st at 7:00PM - Code Enforcement Board

Friday, December 24th - All Village Departments will be closed for the Christmas Holiday.

Tuesday, December 28th at 7:00PM - Code Review Board

Friday, December 31st - All Village Departments will be closed for New Year holiday.

The next regular Commission meeting is Tuesday, January 11th at 7:00PM.

Motion made by Commissioner Anderson to adjourn and seconded by Commissioner Childress.
The meeting was adjourned at 11:02PM

Commission approved on _______

Attest:

Roxanna Ross, Mayor Maria Camara, Village Clerk



Village of Biscayne Park 640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241 Mayor and Commission

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> Albert Childress Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

January 3, 2011

To: Mayor Roxana Ross Vice Mayor Steve Bernard Commission Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: Acceptance of Donation of \$15,000 from Florida Power & Light

Background Analysis:

It is customary for Florida Power & Light (FP&L), through their community outreach initiatives to participate in various ways to give back to communities. In regards to our own Village, FP&L has donated \$15,000 towards improvements and enhancements to our parks and recreation department, specifically the Ed Burke Recreation Center.

Fiscal/Budgetary Impact:

This donation could be utilized towards continued improvements of our central park which would include the following examples:

- Recreational activity programs for adults and families to include wellness, fitness and education.
- Solar lighting initiatives along walking paths.
- Parking enhancements.
- Field improvements such as sod restoration, new sand and clay for volleyball area and ball field.
- Upgrades to aesthetics such as benches, garbage receptacles and signage.
- Special events culture and social.

Manager Recommendation:

Manager recommends acceptance of the donation.

VILLAGE OF BISCAYNE PARK

DECLARATION AND ACCEPTANCE OF GIFT

WHEREAS, Florida Power & Light Company, as part of their ongoing commitment to communities, has offered to donate funds to make improvements at the Village's parks and recreational facility; and

WHEREAS, the Village this day expresses its gratitude and acknowledges receipt from Florida Power & Light Company of a gift of currency in the amount of Fifteen Thousand and xx/100 Dollars (\$15,000.00) for enhancement of the Village's parks and recreation facility; now, therefore:

Dated this day of	, 2011.
ATTEST:	
Maria Camara, Village Clerk	Roxanna Ross, Mayor
State of Florida County of Dade	
of the State of Florida, personally	anuary, 2011, before me, the undersigned Notary Public appeared Roxanna Ross and Maria Camara, Mayor and se names are subscribed to the within instrument, and ited it.
WITNESS my hand and official seal	
	Notary Public, State of Florida
	Persons signing arepersonally known to
	me or who have produced identification and who did (did not) take an oath.



December 16, 2010

Ms. Ana M. Garcia Village Manager Village of Biscayne Park 640 NE 114th Street Biscayne Park, FL 33161

Re: Sponsorship

As part of FPL's community outreach initiative, we are pleased to enclose a check payable to the Village of Biscayne Park in the amount of \$15,000. As is customary in many cities that we serve, we often participate in various ways by giving back to the community. We are aware of your plans to make significant improvements to the Ed Burke Community Center and FPL is proud to support these enhancement efforts. We are certain this recreational facility will continue to be enjoyed by all citizens and visitors of the Village of Biscayne Park.

We wish you much success in your continuing efforts in further improving the lives and well being of the residents within the Village.

Sincerely.

Aletha H. Player Area Manager

ha Playe

AHP:mig

110

NEXTERA ENERGY FOUNDATION, INC. 700 Universe Boulevard JUNO BEACH, FL 33408

Check Date: 12/08/2010

Check No. 1391

STATE STREET BANK AND TRUST CO

FIFTEEN THOUSAND DOLLARS

\$15,000.00

PAY TO THE ORDER OF

VILLAGE OF BISCAYNE PARK

64 N.E. 114 STREET

BISCAYNE PARK FL 33161

Void after 180 days

NEXTERA ENERGY FOUNDATION

Tomela M. Pauch

#0551391# #011000028# 00000262363#429465

NEXTERA ENERGY FOUNDATION

Vendor Name: VILLAGE OF BISCAYNE PARK

Check Date : 12/08/2010

Check Number: 1391

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village clerk

From: Pamela Rauch - FPL [fplea@ql-mail.com]

Sent: Monday, December 20, 2010 1:34 PM

To: villageclerk@biscayneparkFL.gov

Subject: End of year update and best wishes



Dear Maria C .:

As 2010 winds to a close and we reflect on the year, I want to express my appreciation for the strong partnerships FPL has in the communities we serve. From donating solar stations to schools to clearing the way for more efficient power plants while maintaining the lowest typical bill in the state, we have had a busy year investing in the communities where we live and work. As we look forward to the New Year, I'd like to reflect on all we've accomplished while providing our customers affordable, reliable, safe and clean energy.

Providing solar education opportunities to students and teachers

Continuing our commitment to the future of renewable energy, FPL commissioned six solar education stations this year at schools across our service territory. The school arrays, which feature solar panels similar to those operating at FPL's DeSoto Next Generation Energy Center in Arcadia, Fla., will provide students a hands-on tool to learn about renewable energy and can be monitored online via www.FPL.com/solarstations.



This year, FPL also hosted four renewable energy curriculum workshops and has trained 150 educators on the latest solar technology curriculum to bring back to their classrooms. As part of these workshops, teachers from across the state were able to visit FPL's three solar projects, including the DeSoto Next _Generation Solar Energy Center, the largest solar photovoltaic facility in the nation.

All teachers have access to a broad range of energy and solar educational tools, activities and projects tailored for students in all grade levels at www.FPL.com/solarstations.

Making our power plants cleaner and more efficient

T_his August, FPL demolished the most visible structures at the 45-year-old Cape Canaveral power plant in Brevard County, Fla., to prepare for construction of the Cape Canaveral Next Generation Clean Energy Center, which will use about 33 percent less fuel per megawatt of power generated with advanced combined-cycle, natural gas technology. It also will be capable of producing 1,250 megawatts of electricity. The new plant will power 250,000 homes and businesses, emitting half the carbon dioxide - that's the same as taking 46,000 cars off the road. In addition, the site is designed to meet U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certification, and will feature rooftop solar panels and an electric car recharging station.

Reopening Barley Barber Swamp

October 18 marked the re-opening of the Barley Barber Swamp, a 400-acre freshwater cypress swamp preserve, located in western Martin County. The swamp is located on the property of FPL's Martin County power plant and had been closed due to security concerns following Sept. 11, 2001.

The swamp is home to red maples, cabbage palms, red-shouldered hawks, barred



owls, pileated woodpeckers, alligators, turtles, bald eagles and one of the largest bald cypress trees in the United States, among many other fascinating flora and fauna. Barley Barber's unique ecosystem continues to thrive because of the stewardship efforts of FPL and our community partners.

Free general public tours of the preserve, considered one of the finest remaining old-growth cypress swamps in Florida, began Nov. 3. Find out more on the <u>Barley Barber Swamp website</u>.

Providing energy makeovers for customers in need

For our third nonprofit energy makeover this year, FPL, along with local businesses Sea Coast Air Conditioning & Sheet Metal, Inc., and Gerelco Electrical Contractors, performed a series of energy-efficient upgrades for Mustard Seed Ministries in Port St. Lucie worth thousands of dollars -- at no charge to the nonprofit organization. The savings of up to \$2,000 annually will be invested in assisting low-income families by providing a food bank, rent assistance, free health clinics and affordable clothing.



Reaching a rate settlement with the Florida Public Service Commission

On Dec. 14, the Florida Public Service Commission approved a settlement agreement reached by Florida Power & Light Company, the Florida Office of Public Counsel, Florida Attorney General and other intervenors in our rate proceeding. We think this agreement, which will freeze base rates through the end of 2012, is in the best interest of all of the parties involved, especially our customers. We appreciate the willingness of those who represent Florida's electric consumers to work with us on an agreement that will help provide financial stability for customers and the company alike, and we appreciate the support for the agreement by the Commission and its staff.

Looking ahead

As we turn the calendar to 2011, FPL will continue to focus on providing our customers affordable, reliable, safe and clean energy with the best customer service. Additionally, we are hopeful Gov. Rick Scott and the Florida Legislature will pass legislation to make it conducive to build more renewables and continue the clean energy revolution to strengthen Florida's economic and environmental security. Floridians need jobs, and FPL is prepared to build more renewable power plants throughout the state quickly with the necessary local, state and federal approvals.

I wish you a safe and joyful holiday season and look forward to continuing our partnerships with you and all of our community and government leaders in 2011. Please feel free to contact me or your external affairs manager anytime.

Sincerely.

Pam Rauch

Vice President, External Affairs

Pamela Pauch.

Unsubscribe | Update Profile

This email was sent by: Florida Power & Light 700 Universe Blvd., Juno Beach, FL, 33408, USA



Village of Biscayne Park 640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241 **Mayor and Commission**

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> **Albert Childress** Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

January 3, 2011

To: Mayor Roxana Ross

Vice Mayor Steve Bernard Commission Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Resolution 2011-01 - Agreement between the Village of Biscayne Park and the State of Re:

Florida, Office of the State Attorney for the Eleventh Judicial Circuit of Florida

Background Analysis:

Legislation passed in 2004 to implement Revision 7 to Article V of the Florida Constitution provides that the State Attorney may prosecute municipal ordinances only if (1) the ordinance violation is ancillary to a felony prosecution (s.27.02(1), Florida Statutes), or (2) the county/municipality has entered into a contract with the State Attorney for these prosecutions. Many other municipalities have entered into these same contracts with the state, an example is attached from the City of Doral.

Fiscal/Budgetary Impact:

The Village would be billed at the statutorily prescribed rate of \$50 per hour. The estimate is that, on average, it takes approximately 20 minutes per case; therefore the charged rate would be \$16.67 per case.

Manager Recommendation:

Based on Chief Glansberg's review and recommendation, and our continued efforts to achieve cost efficiencies, manager recommends approval.



Village of Biscayne Park Police Department

640 NE 114th Street Biscayne Park, FL 33161

> Tel: 305 899 8000 Fax: 305 891 7241

Date:

December 9, 2010

To:

Ana M. Garcia, Village Manager

From:

Chief Mitchell Glansberg

Re:

Agreement with State Attorney

Cc:

John Hearn, Village Attorney, Ana M. Garcia, Village Manager

Attached please find the yearly renewal from the Miami Dade County State Attorneys Office for the continued prosecution of Miami-Dade County Criminal Ordinances.

Background

Legislation passed in 2004 to implement Revision 7 to Article V of the Florida Constitution which provides that the State Attorney may prosecute municipal ordinances only if the ordinance violation is ancillary to a felony prosecution of Florida Statues or the county/municipality has entered into a contract with the State attorney for these prosecutions.

The Municipal Ordinance violations that are referred to in this agreement with the State Attorney are Civil and Criminal Violations of Miami-Dade Ordinances, which Municipalities may enforce.

Last year the State Attorneys charges amounted to \$346.00 to prosecute the handful of Ordinance Violations that we made arrests under. The arrests were primarily cited under violation of Commercial Vehicle Markings, under 8-A276 of the Code of Miami Dade County Ordinance. This should not be confused with our Village Code enforcement which has no relation to this agreement.

Fiscal Impact

The State Attorney charges \$50.00 per hour to prosecute these offenses which is under market rate. It is reasonable to estimate similar charges from the State Attorney for FY2010/2011 in the \$300-\$400.00 range.

Recommendation

I recommend that we continue our agreement for FY2010/2011. This is a valuable crime prevention tool.

1	
2 3	
4	RESOLUTION 2011-01
5 6	A DECOLUTION OF THE VILLAGE COMMISSION
7	A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,
8	AUTHORIZING THE VILLAGE MANAGER TO
9	ENTER INTO AN AGREEMENT BETWEEN THE
10 11	VILLAGE OF BISCAYNE PARK AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR
12	THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
13	TO REIMBURSE THE STATE ATTORNEY'S OFFICE
14 15	FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL
16	PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE OF THE
17	VILLAGE OF BISCAYNE PARK; PROVIDING FOR
18 19	AN EFFECTIVE DATE
20	
21	
22	
23	WHEREAS, the Village finds that in order to maintain and improve the health, safety, and
24	welfare of this community, it is necessary to adequately enforce and prosecute violations of the
25	Village's Municipal Code; and
26	
27	WHEREAS, the violation of some of these ordinances actually represent criminal violations
28	enforceable by prosecution in the judicial system; and
29	
30	WHEREAS, Section 27.02, Florida Statutes, authorizes the Office of the State Attorney in
31	each county to prosecute municipal ordinance violations punishable by incarceration if ancillary to
32	state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the
33	local government for reimbursement.
34	
35	WHEREAS, the Village finds that it is more effective and efficient to contract with the
36	Office of the State Attorney for the Eleventh Judicial Circuit of Florida to prosecute violations of the
37	ordinances of the Village.
38	
39 40 41	NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE VILLAGE OF BISCAYNE PARK, THAT:

I	Section 1.	The foregoing "Whereas"	clauses are hereby ratified and confirmed as being
2	true and correct and l	hereby made a specific part of	of this Resolution upon adoption hereof.
3			
4	Section 2.	The Village Manager is a	uthorized to execute the agreement between the
5	State of Florida, Offi	ce of the State Attorney for t	he Eleventh Judicial Circuit of Florida and the
6	Village of Biscayne I	Park, to reimburse the State f	For the cost of state attorney prosecution of certain
7	criminal violations of	f the municipal code of the V	Village of Biscayne Park, attached hereto and
8	incorporated herein a	as Exhibit "1."	
9 10	Section 3:	This resolution shall beco	me effective immediately upon its adoption.
11			
12			
13			
14	PASSED AND ADO	OPTED this day of	, 2011.
15 16 17 18 19 20 21 22	Roxanna Ross, Mayo	or	The foregoing resolution upon being put to a vote, the vote was as follows: Mayor Ross: Vice Mayor Bernard:
23 24 25 26 27	Attest:		Commissioner Anderson : Commission Childress: Commissioner Cooper:
28 29 30	Maria C. Camara, Vil	llage Clerk	
31 32 33 34 35	Approved as to form:		
3637	John J. Hearn, Village	e Attorney	

AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECTUION OF CERTAIN CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK

This agreement is entered into this _____ day of _________, 2010, by and between the Village of Biscayne Park, a political subdivision of the State of Florida (hereinafter referred to as the "Village") and the Office of the State Attorney for the Eleventh Judicial Circuit of Florida (hereinafter referred to as "State Attorney").

<u>ARTICLE I</u>

Services

The State Attorney agrees to prosecute municipal ordinance violations as authorized in Sections 27.02, and 27.34, Florida Statutes. The Village agrees to remit, subject to the terms outlined in Article III of this agreement, to the State Attorney the required funds to reimburse for costs associated with the prosecution of violations of the Municipal Code for the period of October 1, 2010, through September 30, 2011. The State Attorney shall provide such clerical and professional personnel as may be required for the performance of any of the functions of the State Attorney as set forth in this agreement. This agreement does not commit the Village to pay for the prosecution of Municipal Code violations ancillary to state prosecution or for the prosecution of municipal ordinance violations not punishable by incarceration. This agreement specifically does not authorize the State to handle appeals of municipal ordinances on constitutional grounds, which shall remain the responsibility of the municipality.

ARTICLE II

<u>Terms</u>

This agreement shall expire on September 30, 2011, unless terminated earlier pursuant to Article VII of this agreement. Under no circumstances shall the Village be liable to continue or extend this agreement beyond this date. This agreement may only be amended in writing, through a document executed by duly authorized representatives of the signatories to this agreement.

ARTICLE III

Payment Schedule

The Village agrees to reimburse the State Attorney on an hourly basis for services rendered at a rate of Fifty dollars (\$50) per hour. On a quarterly basis, the State Attorney shall provide the Village with an invoice including, but not limited to, the hours of services rendered, number of cases prosecuted as set forth in this agreement, and the total amount due for payment for the previous month. The Village shall remit each payment within ten (10) days after receiving said invoice from the State Attorney.

ARTICLE IV

Responsibilities

The Village does not delegate any of its responsibilities or powers to the State Attorney other than those enumerated in this agreement. The State Attorney does not delegate any of its responsibilities or powers to the Village other than those enumerated in this agreement.

ARTICLE V

Reporting

All required reports shall be submitted to the office of the Village Clerk of the Village of Biscayne Park, 640 NE 114th Street, Biscayne Park, Florida 33161.

ARTICLE VI

Indemnification

It is expressly understood and intended that the State Attorney is only a recipient of the reimbursements paid by the Village and is not an agent of the Village. The respective parties agree, subject to the provisions of Chapter 768.28 (17), Florida Statutes, that they will hold each other harmless from any claims arising from this agreement.

ARTICLE VII

Termination

Either party may terminate this agreement at any time with or without cause by furnishing written notice to the other party with no less than ninety (90) days notice.

ARTICLE VIII

Service Charges

This agreement is contingent upon all Village funding provided, and any interest earned thereon, not being subject to any State service charges or administrative assessments.

ARTICLE IX

Non-Discrimination

The State Attorney agrees to abide and be governed by Title II of the Americans with Disabilities Act of 1990, Title VI and VII, Civil Rights Act of 1964 (42 USC 200d, e) and Title Viii of the Civil Rights Act of 1968, as amended, which provides in part that there will not be discrimination of race, color, sex, religious background, ancestry, or national origin in performance of this contract, in regard to persons served, or in regard to employees or applicants for employment and it is expressly understood that upon receipt of evidence of discrimination, the Village shall have the right to terminate said agreement.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers the day and year first above written.

VILLAGE OF BISCAYNE PARK:	State Attorney's Office Eleventh Judicial Circuit
Ana M. Garcia Village Manager	Don L. Horn Chief Assistant State Attorney for Administration
ATTEST:	
Maria C. Camara Village Clerk	
Approved as to form and legal sufficiency:	
John J. Hearn Village Attorney	

RESOLUTION NO. 10 -

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE AGREEMENT BETWEEN THE CITY AND THE OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR THE REIMBURSEMENT OF COSTS INCURRED BY THE STATE ATTORNEY'S OFFICE IN CONNECTION WITH THE PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE CITY OF DORAL'S CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral (the "City") has found it necessary in the past, and will continue to find it necessary in the future, to adopt ordinances to maintain and improve the health, safety and welfare of the City and its residents; and

WHEREAS, the violation of some of these ordinances actually represent criminal violations enforceable by prosecution in the judicial system; and

WHEREAS, Section 27.02, Florida Statutes, authorizes the Office of the State Attorney in each county to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the local government for reimbursement; and

WHEREAS, the City Council believes that full enforcement of, and prosecution of violations of, the City's Code of Ordinances is in the best interest of the City and its residents; and

WHEREAS, the City Council finds that it is more effective and efficient to contract with the Office of the State Attorney for the Eleventh Judicial Circuit of Florida to prosecute violations of the ordinances of the City.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. The City Council hereby approves the Agreement with the Office of the State Attorney for the Eleventh Judicial Circuit of Florida for the reimbursement of costs incurred by the State Attorney's Office in connection with the prosecution of certain criminal violations of the City of Doral's Code, substantially in the form of Exhibit "A" attached hereto. The City Manager is hereby authorized to execute the Agreement, subject to any non-substantial changes that are approved by the City Manager and the City Attorney.

Section 2. This Resolution shall become effective immediately upon its adoption.

Res.	No.	10 -	
	Pa	ge 3	of 3

The foregoing Resolution was of	fered by Councilman	who
moved its adoption. The motion was se	econded by Councilman	and
upon being put to a vote, the vote was a	as follows:	
Mayor Juan Carlos Vice Mayor Michael Councilman Luigi Be Councilman Pete Ca Councilwoman Ana	DiPietro oria abrera	
PASSED and ADOPTED this 8th day of	December, 2010.	
ATTEST:	JUAN CARLOS BERMUDEZ, MAYOR	-
BARBARA HERRERA, CITY CLERK		
APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL:		
JIMMY MORALES, CITY ATTORNEY		



Date: 1/04/2011

To: Vice Mayor Steve Bernard

Commissioner Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Mayor Roxanna Ross

Re: Resolution 2011 - 02 - Expressing Support for

Federal Funding in Support of the Port of Miami Deep Dredge Project

REQUEST:

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK EXPRESSING SUPPORT FOR FEDERAL FUNDING IN SUPPORT OF THE PORT OF MIAMI DEEP DREDGE PROJECT; PROVIDING FOR AN EFFECTIVE DATE

BACKGROUND AND ANALYSIS:

Miami Dade County and several municipalities in South Florida have already adopted resolutions in support for federal funding of the Port of Miami Deep Dredge Project to accommodate the new generation of large container vessels. Miami is one of only three ports on the East Coast that is currently authorized and ready to dredge to 50 feet, in order to accommodate the larger class vessels. The port trade supports jobs and our local economy.

It has been reported in The Miami Herald that the dredging project will expand Miami's Gateway to the Americas significantly, and without a deeper port Miami would lose 15% of future container business, hurting the state and local economy. Currently, the Port of Miami is the 11th largest container port in the nation, supporting 176,000 jobs and \$17 billion annually. Investment by the federal government will allow the Port to grow those jobs at the very moment when Florida faces a 12% unemployment rate.

It is in the best interest of our residents and our local economy to adopt this Resolution and support federal funding for the Port of Miami Deep Dredge Project initiated by the Miami Dade County Commission.

FISCAL/BUDGETARY IMPACT:

Minimal impact caused by the transmittal of an adopted resolution to the appropriate governing bodies.

RECOMMENDATION:

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

RESOLUTION NO. 2011 - 02

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA EXPRESSING SUPPORT FOR FEDERAL FUNDING IN SUPPORT OF THE PORT OF MIAMI DEEP DREDGE PROJECT; DIRECTING THE VILLAGE CLERK TO TRANSMIT THIS RESOLUTION TO THE APPROPRIATE OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Port of Miami is the largest container port in Florida and is a vital contributor to the local, state and national economy accounting for 176,00 jobs and \$17 billion economic impact to the economy of South Florida, and

WHEREAS, in the anticipation of expanding trade and commerce, the Port of Miami has been authorized by Congress to dredge to a depth of -50 feet, and

WHEREAS, upon completion of the dredging of the Miami federal shipping channel to -50 feet an additional 33,000 jobs over ten (10) years will be created, and

WHEREAS, the Port of Miami Deep Dredge will allow cargo to double within ten (10) years, providing billions of dollars in wealth, and

WHEREAS, the Port of Miami Deep Dredge will allow South Florida to grow international trade and commerce exponentially, and

WHEREAS, the completion of the expansion of the Panama Canal in 2014 will require deepening of the Miami federal ship channel to -50 feet to accommodate the larger vessels from the Pacific; and

WHEREAS, the Port of Miami Deep Dredge is necessary to make the Port of Miami competitive with nearby foreign ports, and

WHEREAS, the dredging cost is estimated at \$150 million, with \$75 million already committed by local sources, and

WHEREAS, the Port of Miami Deep Dredge is considered a project of national significance

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. That this Commission supports the allocation of \$75 million in federal funds for the dredging of the Port of Miami to -50 ft.

Section 2. The Clerk of the Village of Biscayne Park is directed to transmit copies of this Resolution to the Director of the Port of Miami, the Mayor and Members of the Miami Dade County Commission, the offices of the County Manager, the President and Congressional Office of the United States.

Section 3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this _____ day of ______, 2011.

	The foregoing resolution upon be put to a vote, the vote was as follows:
	Mayor Ross:
Roxanna Ross, Mayor	Vice Mayor Bernard:
Attest:	Commissioner Anderson: Commission Childress:
	Commissioner Cooper:
	· ———
Maria C. Camara, Village Clerk	
Approved as to form:	
John J. Hearn, Village Attorney	
- ,	



Date: 01/02/2011

To: Vice Mayor Steve Bernard

Commissioner Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Mayor Roxanna Ross

Re: Resolution 2011 - 03 - Proclaiming 2011 Martin Luther King Day a Day

Of Service and Community Beautification Event

REQUEST:

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PROCLAIMING JANUARY 15, 2011, MARTIN LUTHER KING DAY, A DAY FOR COMMUNITY SERVICE AND BEAUTIFICATION EVENT IN THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

BACKGROUND AND ANALYSIS:

Martin Luther King Day is recognized nationwide as a day for service and giving back to the community.

Village residents, board members and staff have volunteered their time and talents, or donated monies and equipment in recent projects such as the Butterfly Park (Childress Eagle Scout project) and the Griffing Park art sculpture and landscaping project. The purpose of this proposed endeavor is to continue on this path of community service and celebrating the volunteer efforts in the Village of Biscayne Park.

Improvements to our entryway at the southern end of NE 6 Avenue have continued with the road designation sign and Griffing Park and median improvements. The eastern side of NE 6 Avenue between 113 and 114 Street is in need of beautification.

It is the perfect opportunity to celebrate Martin Luther King Day, further enhance a major thoroughfare through our Village and build community pride. Therefore, all residents and friends of the Village of Biscayne Park should be encouraged to participate, by monetary contribution or hands-on assistance, at an event to celebrate the King Day of Service, designed to enhance the community, as well as to encourage discussion and identification of community needs for future projects.

In order to maximize the impact of gifts in support of the project, the Mayor has pledged a challenge grant: all contributions will generate more money for the beautification project because each gift will be matched on a 1-to-20 ratio (ie, \$5 match for every \$100 contribution) up to \$150 by the challenge grant. Neighbors are also requested to lend hands-on assistance during this community event on Saturday, January 15, 2011, starting at 10:00 am.

It is in the best interest of our residents and our Village to support beautification along NE 6 Ave. between 113 and 114 Street.

FISCAL/BUDGETARY IMPACT:

The time and labor to be expended by Village administration and public works in support of the beautification project is worth the long needed enhancement. A challenge grant and anticipated donations will defray the cost of improvements to the Village.

RECOMMENDATION:

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

RESOLUTION NO. 2011 - 03

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA PROCLAIMING JANUARY 15, 2011, MARTIN LUTHER KING DAY, A DAY FOR COMMUNITY SERVICE AND BEAUTIFICATION EVENT IN THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

WHEREAS, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

WHEREAS in 1983 President Ronald Reagan signed a bill creating a federal holiday to honor Dr. King's birthday, life and work, which is observed every January; and

WHEREAS a bill signed into law by President Bill Clinton established the King Holiday and Service Act in 1994, transforming the federal holiday into a day of citizen action and volunteer service in honor of Dr. King's teachings and leadership; and, since 1994, millions of Americans have been inspired to serve their neighbors and communities to commemorate the King Holiday; and

WHEREAS serving neighbors and communities are appropriate ways to honor Dr. King, meet local and national needs, bring our citizens together, raise awareness and strengthen our commitment to each other and the nation; and

WHEREAS the King Holiday offers an opportunity for Americans to give back to their communities and make an ongoing commitment to service during the King Holiday weekend and throughout the year; and

WHEREAS NE 6 Avenue between 113 Street and 114 Street is adjacent to our Village sign and a major entryway to our Village, which is in need of attention and beautification; and,

WHEREAS Roxanna Ross, the Mayor of the Village of Biscayne Park, shares a birthday with Dr. King and desires to celebrate the occasion with a challenge and community project to achieve needed repairs and landscaping along NE 6 Avenue between 113 Street and 114 Street – an entryway to the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE BISCAYNE PARK, FLORIDA:

Section 1. That January 15, 2011 is hereby proclaimed a day for community service in the Village of Biscayne Park. Citizens of the Village of Biscayne Park have an opportunity to participate in a community event Saturday, January 15, 2011, to celebrate the King Day of Service, designed to enhance the community, as well as discuss and identify community needs for future projects.

Section 2. The Village Commission welcomes donations from our fellow Villagers, to be used toward landscaping for the project. Our neighbors are also requested to assist with the beautification project along NE 6th Avenue during this community event on Saturday, January 15, 2011, starting at 10:00 am.

Section 3. This Resolution	ion shall become effective upon adoption.
PASSED AND ADOPTED this	day of, 2011.
	The foregoing resolution upon being put to a vote, the vote was as follows:
	Mayor Ross:
Roxanna Ross, Mayor	Vice Mayor Bernard:
•	Commissioner Anderson:
Attest:	Commission Childress:
	Commissioner Cooper:
Maria C. Camara, Village Clerk	
Approved as to form:	
John J. Hearn, Village Attorney	



Date:

01/02/2011

To:

Vice Mayor Steve Bernard Commissioner Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From:

Mayor Roxanna Ross

Re:

Resolution 2011 - 04 - Opposing the Proposed Expansion of The Miami Shores Montessori School Located at 577 NE 107 Street

REQUEST:

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, OPPOSING THE PROPOSED EXPANSION OF THE MIAMI SHORES MONTESSORI SCHOOL LOCATED AT 577 N.E. 107TH STREET, PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

The proposed expansion of Miami Shores Montessori School, 577 NE 107 Street, lying in a strip of unincorporated Miami Dade County between the Village of Biscayne Park and the Village of Miami Shores, will have a negative impact on an area that is already challenged by heavy traffic congestion.

Residents of the Village of Biscayne Park have expressed their concerns and opposition the proposed expansion, as does our neighboring Village of Miami Shores.

FISCAL/BUDGETARY IMPACT:

Minimal impact caused by the transmittal of an adopted resolution to the appropriate governing bodies.

RECOMMENDATION:

Upon review for sufficiency by our Village Attorney, Mayor recommends approval.

The Commission of the Village of Biscayne Park hereby opposes the expansion of the Miami Shores Montessori School and urges Miami-Dade County Planning & Zoning Department, Dade County Environmental Resource Management, and ultimately the Miami-Dade County Board of County Commissioners, to deny approval of the application. The Village Clerk is hereby directed to provide a copy of this Resolution to the appropriate County Departments and the members of the Miami-Dade County Board of County Commissioners. Section 3. This resolution is effective immediately upon its adoption. PASSED AND ADOPTED this _____ day of ______, 2011.

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	The foregoing resolution upon being put to a vote, the vote was as follows:
Roxanna Ross, Mayor	Mayor Ross: Vice Mayor Bernard: Commissioner Anderson:
Attest:	Commission Childress: Commissioner Cooper:
Maria C. Camara, Village Clerk	<u> </u>
Approved as to form:	
John J. Hearn, Village Attorney	<u> </u>



Village of Biscayne Park 640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241 Mayor and Commission

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> Albert Childress Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

January 3, 2011

To: Mayor Roxana Ross

Vice Mayor Steve Bernard Commission Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Resolution 2011- 05 Implementation of a Policy Recognizing Exemplary Staff Performance Re:

Background Analysis:

At the December 7, 2010, regular commission meeting, a recognition of outstanding performance was awarded to Public Works Director Bernard Pratt for his actions on November 18, 2010, that led to the arrest of an individual for an outstanding felony warrant and for the probable prevention of a crime in the Village of Biscavne Park.

At the conclusion of the presentation, a motion made by Commissioner Al Childress requesting the Manager to bring back ideas and a format or policy for recognizing employees who go above and beyond the call of duty.

At the Manager's discretion, when a Village staff member demonstrates exemplary performance as in the example of Public Works Director Bernard Pratt, that staff member will be awarded a paid day off and a fifty dollar (\$50.00) gift certificate.

Fiscal/Budgetary Impact:

The paid day off will be a part of their regular salary. The \$50.00 gift certificate will be charged to the contingency line item from General Government.

Manager Recommendation:

Such actions above and beyond the call of duty are of great benefit to our Village and its residents. This policy to recognize and award is our way to express our gratitude. Manager recommends approval.

TILLAGE COMMISSION OF BISCAYNE PARK LLAGE MANAGER TO FOR RECOGNITION OF ANCE FOR VILLAGE AN EFFECTIVE DATE Is to recognize the exemplary performance of futy; and performance occurred on November 18, 2010, if a suspicious, occupied vehicle parked down ing his crime prevention training under the ative that was established in the spring of 2010, arrest of an individual who had an outstanding and gloves were found in the vehicle, a probable and Manager, such exemplary performance will be 60.00) gift certificate; and will be recognized at a commission meeting by the Mayor and Commission.
performance occurred on November 18, 2010, d a suspicious, occupied vehicle parked down ing his crime prevention training under the ative that was established in the spring of 2010, arrest of an individual who had an outstanding and gloves were found in the vehicle, a probable and Manager, such exemplary performance will be 50.00) gift certificate; and will be recognized at a commission meeting
d a suspicious, occupied vehicle parked down ing his crime prevention training under the ative that was established in the spring of 2010, arrest of an individual who had an outstanding and gloves were found in the vehicle, a probable and Manager, such exemplary performance will be 50.00) gift certificate; and will be recognized at a commission meeting
(0.00) gift certificate; and will be recognized at a commission meeting
will be recognized at a commission meeting by the Mayor and Commission.
•
ED BY THE COMMISSIONERS OF THE at this Commission supports the implementation are of Village Staff.
, 2011.
The foregoing resolution upon being put to a vote, the vote was as follows:
Mayor Ross:
Vice Mayor Bernard: Commissioner Anderson:
Commission Childress: Commissioner Cooper:



Village of Biscayne Park

640 NE 114th Street Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241 **Mayor and Commission**

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> Albert Childress Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

January 3, 2011

To: Mayor Roxana Ross

Vice Mayor Steve Bernard Commission Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: 2011 Commission Meeting Calendar

Background Analysis:

Throughout 2010, changes were made to the date of a commission meeting usually a month prior to the meeting date. Changes were usually due to holidays or other events that would affect the scheduled meeting date of the first Tuesday of the month.

For 2011, the entire year's schedule has been reviewed taking in to consideration holidays, elections and other special events and the scheduled date of the regular commission meetings have been adjusted accordingly. This allows the entire Commission and staff to adjust their schedules in advance, as well.

The attached schedule also provides a listing of the holidays during each month which insures that the meetings do not interfere with religious holidays. This same information will be further utilized by the Village Clerk to insure that all meetings for Boards and Committees are also properly scheduled.

Fiscal/Budgetary Impact:

None, unless there is consensus from the Commission to do a one-time newspaper advertisement of the entire 2011 schedule. Approximate cost would be \$750.

Manager Recommendation:

Manager recommends approval.



Village of Biscayne Park - Commission Meeting Calendar 2011

	Day	Date	Meeting	Notes
January	Tuesday	1/11/2011	Regular Commission Meeting	Moved to 2nd Tuesday due to New Year holiday. Jan 01 New Year's Day Village Depts closed December 31. Jan 17 Martin Luther King Day, Village Depts closed.
February	Tuesday	2/1/2011	Regular Commission Meeting	February 21 President's Day Village Depts closed.
March	Tuesday	3/8/2011	Regular Commission Meeting	Moved to 2nd Tuesday due to Special General Election on March 1.
April	Tuesday	4/5/2011	Regular Commission Meeting	April 19 First day of Passover, April 22 Good Friday, April 24 Easter Sunday, April 26 Last day of Passover.
Мау	Tuesday	5/3/2011	Regular Commission Meeting	May 30 Memorial Day, Village Depts closed.
June	Tuesday	6/7/2011	Regular Commission Meeting	
July	Tuesday	7/12/2011	Regular Commission Meeting	Moved to 2nd Tuesday due to Independence Day holiday, July 4, Village Depts closed.
August	Tuesday	8/2/2011	Regular Commission Meeting	
September	Tuesday	9/13/2011	Regular Commission Meeting	Moved to 2nd Tuesday due to Labor Day holiday, September 5, Village Depts closed. Sep 29 Rosh Hashana.
October	Tuesday	10/4/2011	Regular Commission Meeting	October 8 Yom Kippur. October 10 Columbus Day, Village Depts closed.
November	Tuesday	11/1/2011	Regular Commission Meeting	November 11 Veteran's Day, Village Depts closed. November 24 Thanksgiving, Village Depts closed (11/24 and 11/25).
December	Tuesday	12/13/2011	Regular Commission Meeting	Moved to 2nd Tuesday due to Biscayne Park elections on December 6. December 21 First day of Chanukah. December 25 Christmas, Village Depts closed on December 26. December 28 Last Day of Chanukah.

BISCAYNE PARK POLICE DEPARTMENT

MEMORANDUM

TO:

Ms. Ana M. Garcia, Village Manager

FROM:

Chief Mitchell Glansberg

DATE:

December 13, 2010

CC:

Mayor Roxanne Ross, Village Commission, Mrs. Maria Camara,

Village Clerk

RE:

Agenda Item, January 11th, 2011 Commission Meeting:

Expenditure of Federal Forfeiture Funds

Federal Forfeiture Funds Expenditure Background:

The Village of Biscayne Park Police Department is seeking expenditure of \$375.00 from the Village of Biscayne Park Police Department's Federal Forfeiture Funds account pursuant to Federal and State Forfeiture Guidelines to be utilized for training fees for Captain Sanchez to attend a two day "Building a Model Records Section" training seminar.

Strategic Objectives and Goals Relative to the Fiscal Expenditure

The overall objective of the training is to minimize liability, improve performance, build professionalism and improve customer service.

Some of the training seminar topics;

- · Conducting research and producing crime stats
- Developing a records unit manual
- Accountability and performance standards
- · Maximizing the use of technology
- How to dispose of records legally and efficiently.
- Building a records management plan

CERTIFICATION:

I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the City Attorney.

Mitchell S. Glansberg

Chief of Police

Building a Model Police Records Section Seminar 2011

Some of our attendees:

Ft. Lauderdale PD Largo Police Cape Coral Police Hialeah Police Palm Bay Police Sarasota Police North Miami Beach **Aventura Police** Ft. Walton Beach **Brevard Sheriff's** Clay County Sheriff's **Putnam County** Melbourne Police Titusville Police Lauderhill Police North Port Police **Quincy Police** Venice Police Leesburg Police Ocoee Police Wilton Manors Police Polk County Sheriff's Levy County Sheriff's Seminole Police Hallandale Beach **Lake County Sheriff** Key Biscayne Police Pinellas Park Police Punta Gorda Police Winter Park Police **Indian River Shores** West Melbourne PD **Delray Beach Police** Berwyn Police Lenexa Police Elk Grove Police Park Forest Police Elgin Police Joilet Police Wood Dale Police Palatine Police Hanover Park Police Haines City Police Winter Garden PD



Law enforcement's premier course for police records personnel.

Tampa PD: Feb 7-8

Boca Raton Training Center: March 7-8

8am-4pm

Registration & Directions online www.policerecordsmanagement.com

A highly acclaimed seminar with excellent reviews!

Developed to help agencies build a top performing records division, learn how to minimize liability, improve performance, empower the records function, build professionalism, and increase customer service. Designed for records managers, clerks, and supervisors, this two day course teaches how to run the records division as if it were a business: efficiently, legally, and customer-focused. Learn practical techniques and tips and tricks that will improve the operations of this critical support component.

- Lower report turnaround time
- Build a records management plan
- How to legally correct reports after the fact
- How to ensure accurate stats and UCR compliance
- Develop efficient report correction workflows
- Conducting research and producing crime stats

- Reviewing and approving reports
- Developing a records unit manual
- Developing a report writing manual
- Accountability and performance standards
- Maximizing the use of technology
- How to dispose of records legally and efficiently

Register online then pay by credit card or check to:

Police Records and Information Management Group

Registration: \$375

www.policerecordsmanagement.com

PO Box 142151

Coral Gables, FL. 33134 phone: 305-460-0096

email: ed@policerecordsmanagement.com





Attendees will receive a course manual and resource CD with:

- Editable forms for corrections, memos, and more
- Public records resources
- √ Sample records unit manual
- Records inventory worksheets
- Case study, articles, and spreadsheets

Presenter

Edward Claughton is Florida's foremost expert on police records and information management. He is a current police lieutenant whose expertise is provided to attendees by sharing captivating real world experiences. His training has received excellent reviews and through his management of a records division and several technology projects designed to streamline public access to police records he conveys the importance of access to government records. He is a selected speaker for the International Association of Chiefs of Police and has trained numerous agencies in creating technology oriented and customer-focused records operations.

"One of the best classes I've been to!"

"Excellent information. Great instructor."

"Ed is a captivating instructor. Great material for anyone in records"

"Enjoyed it all! Hope my colleagues can attend sometime."



Police Records and Information Management Group

PO Box 142151

Coral Gables, FL. 33134

phone: 305-460-0096

email: ed@policerecordsmanagement.com



Village of Biscayne Park 640 NE 114th Street

Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241

December 30, 2010

To: Manager Ana Garcia

From: Commissioner Bob Anderson

Re: **Recreation Advisory Board**

Background Analysis:

On November 7, 2010, I was notified by board member Ron Gwynn that he was no longer able to serve on the Recreation Advisory Board.

After sending out an e-mail to my contact group, I immediately received a response from resident Grisette Marcos with her interest in serving on the board.

Grisette Roque Marcos joined the Miami Beach Visitor and Convention Authority in January 2000. During her tenure she has initiated a new approach to doing business, including a revised grant application format, the publication of an annual program of work, new logo and tagline, a citywide wayfinding and customer service initiative, as well as the first in a series of open forums for community input. She serves as liaison for county and city cultural and tourism organizations, and is the professional spokesperson and representative for the board.

Ms. Roque Marcos also served as Interim Director, Cultural Arts Council from April 2002-June 2003 where she was responsible for planning, design and implementation of local cultural arts boards programs and special projects. She was Named Top 100 Women to Watch in 2001 by Miami Magazine and received the 2000 CASE Special Merit Award for Institutional Relations Project when she was Assistant Director for External Relations at the University of Miami.

A graduate of the University of Miami with a Bachelor of Arts in Politics and Public Affairs, Roque Marcos also has several years' experience in marketing, public relations and finance. Ms. Roque Marcos has lived in Biscayne Park since September 2005 and is the proud wife of Pablo and new mother to Mathias.

Fiscal/Budgetary Impact:

None

Recommendation:

Grisette Marcos is my appointee to serve as a member of the Recreation Advisory Board.



Village of Biscayne Park

640 NE 114th Street Biscayne Park, FL 33161

> Tel: 305 899 8000 Fax: 305 891 7241

Mayor and Commission

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> Albert Childress Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

January 3, 2011

To: Mayor Roxana Ross
Vice Mayor Steve Bernard

Commission Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: Ordinance 2010-14

Background Analysis:

Section 166.241(3)(b), Florida Statutes, provides that the governing body of a municipality may establish procedures by which the designated budget officer may authorize certain budget amendments within a department provided that the total of the appropriations of the departments is not changed. Authorizing the Village Manager to make certain inter-departmental budget amendments will provide government efficiency and avoid disruption in Village management and service to the community.

Fiscal/Budgetary Impact:

Planning a departmental budget cannot be an exact science. Yet the management of the bottom line can be accomplished successfully with the flexibility to reduce one line item and add to another if there is a need. Much is taken into consideration when putting a budget together and the availability of funds is a key factor, as well as looking at previous years and goals that are set for the new fiscal year.

As your Manager and former department director for the past 13 years, I have managed multi million dollar budgets both operating and capital budgets, and I have yet to exceed the bottom line. On the contrary, we have worked with our departments to be resourceful, to think outside the box, and to negotiate what we purchase and how we spend Village Funds.

Manager Recommendation:

We fully support and understand the necessity to receive commission approval to transfer funds from one department to another. With that said, we ask for your support and confidence to be able to manage efficiently and allow the Manager to work with the department directors and our Finance Director in approving necessary budget transfers within a department.

Manager recommends approval at second reading.

1	ORDINANCE NO. 2010-14
2	AN ODDINANCE OF THE VILLACE COMMISSION OF THE
3 4	AN ORDINANCE OF THE VILLAGE COMMISSION OF THE
5	VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE
6	VILLAGE OF BISCAYNE PARK ENTITLED
7	"ADMINISTRATION" BY AMENDING ARTICLE VI
8	ENTITLED "FINANCE" BY ADDING SECTIONS 2-76
9	"DEFINITIONS" AND 2-77 "AUTHORITY TO MAKE
10	INTRADEPARTMENTAL BUDGET AMENDMENTS BY
11	VILLAGE MANAGER" TO ESTABLISH PROCEDURES BY
12	WHICH THE VILLAGE MANAGER MAY AUTHORIZE
13	AMENDMENTS WITHIN DEPARTMENT BUDGETS
14	WITHOUT VILLAGE COMMISSION APPROVAL;
15	AMENDING CHAPTER 2, ARTICLE VIII TO HAVE
16 17	REFERENCES TO THE DIRECTOR OF FINANCE
18	REPLACED WITH VILLAGE MANAGER THROUGHOUT ARTICLE VIII AND AMENDING CHAPTER 2, ARTICLE VIII
19	REFERENCING BUDGET APPROPRIATION; PROVIDING
20	FOR CONFLICT; PROVIDING FOR SEVERABILITY;
21	PROVIDING FOR INCLUSION; PROVIDING FOR AN
22	EFFECTIVE DATE
23	
24	WHEREAS, in accordance with the laws of the State of Florida, any amendments to the
25	adopted fiscal year budget must be approved by the governing body of the municipality; and
26	WHEREAS, Section 166.241(3)(b), Florida Statutes, provides that the governing body of
27	a municipality may establish procedures by which the designated budget officer may authorize
28	certain budget amendments within a department, provided that the total of the appropriations of
29	the department is not changed; and
30	WHEREAS, authorizing the Village Manager to make certain intradepartmental budget
31	amendments will promote government efficiency and avoid disruption in Village management
32	and service to the community; and

WHEREAS, the Village Commission has determined that it would be good management

practice to give the Village Manager or his/her designee some authority to make budget

33

34

1	amendments within department budgets without Village Commission approval, provided that the
2	total of the appropriations of the department is not changed; and
3	WHEREAS, in order to provide for such authority the Village's Purchasing and
4	Procurement Ordinance must be amended;
5	WHEREAS, the Village Commission also finds it in the best interest of the Village to
6	amend the Purchasing and Procurement Ordinance to replace references to the Director of
7	Finance with Village Manager or designee consistent with the Village charter; now, therefore
8	BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF
9	BISCAYNE PARK, FLORIDA, AS FOLLOWS:
10	Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as
11	being true and correct and are hereby made a specific part of this Ordinance upon adoption
12	hereof.
13	Section 2. Chapter 2, Article VI entitled "Finance" of the Code of Ordinances of the
14	Village of Biscayne Park is hereby amended to create Section 2.76 entitled "Definitions" and
15	Section 2.77 "Authority to Make Intradepartmental Budget Amendments by Village Manager" as
16	follows:
17	Sec. 2-76. <u>Definitions</u>
18 19 20 21 22	For purposes of this Article, "Operational Expenses" shall mean appropriations for materials, supplies and services related to Village operations, other than salaries, benefits, capital outlay or contingency.
23 24 25	Sec. 2-77. Authority to Make Intradepartmental Budget Amendments by Village Manager.
26 27 28	During the fiscal year it may become necessary to adjust budgets of various line items within a Department. The following procedure will govern this amendment process:
29 30	1. The Village Manager or his/her designee shall have the authority to make intradepartmental budget amendments that reallocate appropriations amongst a

1 2 3	department's line item appropriations for Operational Expenses provided that the total appropriations for Operational Expenses is not changed.		
4 5 6	2. All other budget amendments involving salaries, benefits, capital outlay or contingency must be approved by the Village Commission.		
7 8 9	3. The Village Manager shall present a monthly written report on the status of the Village's budget to the Commission. At a minimum, this report will generally include, but not be limited to, revenues by category and expenditures by department for each Village Fund.		
11	Chapter 2, Article VIII of the Code of Ordinances of the Village of Biscayne Park is		
12	hereby amended as follows:		
13	***		
14			
15	Sec. 2-134. Establishment of purchasing agent.		
16	1 9 - 9		
17	The Village Manager or his/her designee shall be the chief purchasing agent of the village.		
18	Subject to the terms of this article and except as otherwise provided for in section 2-136, the		
19	purchasing agent shall contract for, procure or so process the procurement, purchase, storage and		
20	distribution of all supplies, materials, equipment and certain contractual services required by any		
21	office, department or agency of the village. The purchasing agent shall establish and enforce		
22	specifications, inspect or supervise the inspection of all deliveries and have full and complete		
23	charge of, and be responsible for, all supplies, materials, and equipment purchased for or		
24	belonging to the village.		
25			
26	***		
27			
28 29	Sec. 2-136. Purchasing limitations; competitive bidding.		
30	(a) Purchases less than two thousand five hundred dollars (\$2,500.00). Purchases of or		
31	contracts for materials, supplies, equipment, improvements or services for which funds are		
32	provided in the budget, where the total amount to be expended is not in excess of two thousand		
33	five hundred dollars (\$2,500.00), may be made or entered into by any department director		
34	without submittal to the village commission and without competitive bidding. Single purchases		
35	or contracts in excess of two thousand five hundred dollars (\$2,500.00) shall not be broken down		
36	to amounts less than two thousand five hundred dollars (\$2,500.00) shall not be broken down		
37	this subsection.		
38			
39	(b) Purchases more than two thousand five hundred dollars (\$2,500.00) but less than ten		
40	thousand dollars (\$10,000.00). Purchases of or contracts for materials, supplies, equipment,		
41	improvements or services for which funds are provided in the budget, where the total amount to		
42	be expended is in excess of two thousand five hundred dollars (\$2,500.00) but which does not		
43	exceed ten thousand dollars (\$10,000.00), may be made or entered into by the Village Manager		
44	or his/her designee without submittal to the village commission and without competitive bidding.		

but shall require that Village Manager or his/her designee obtain quotes from at least three (3) different vendors. The -Village Manager or his/her designee shall award the bid to the lowest, most responsive, responsible bidder. Single purchases or contracts in excess of ten thousand dollars (\$10,000.00) shall not be broken down to amounts less than ten thousand dollars (\$10,000.00) to avoid the requirements of this subsection.

- (c) Purchases in excess of ten thousand dollars (\$10,000.00). The village commission shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than ten thousand dollars (\$10,000.00). Purchases in excess of ten thousand dollars (\$10,000.00) shall be in compliance with the competitive bidding requirements set forth in section 2-137.
- (d) Exceeding budget appropriation. Except as provided for in Chapter 2, Article VI, Village Manager or his/her designee may not purchase or contract for any item or service which exceeds any budget appropriation until such a time as the village commission amends the budget to increase the appropriation to the applicable level.

Sec. 2-137. Competitive bidding procedure.

- (a) Whenever competitive bidding is required by this article, the Village Manager or his/her designee shall direct that bid proposals which provide specifications for the purchase or contract be prepared.
- (b) The Village Manager or his/her designee shall solicit sealed bids from at least three (3) persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.
- (c) The Village Manager or his/her designee may publish a public invitation to bid.
- (d) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the village commission and/or the Village Manager or his/her designee as the case may be, subject to the right of the village to reject any and all bids, to waive any irregularity in the bids or bidding procedures and subject also to the right of the village to award bids and contracts to bidders other than the low bidder.

Sec. 2-138. Bid opening procedure; awarding of bids.

- (a) Sealed bids shall be opened by the Village Manager or his/her designee or their appointed representative and recorded by the Village Manager or his/her designee or their representative on the date and time specified in the bid proposal.
- (b) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other security accompanying the bid shall be received and maintained for safekeeping by the Village

Manager or his/her designee. The Village Manager or his/her designee shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.

(c) Upon completion of the bid opening reading, all bids received will be deposited with the Village Manager or his/her designee for tabulation and/or recommendation to the village commission.

(d) Upon submission of the bid tabulation and recommendation to the Village Manager or his/her designee or village commission, as the case may be, the-Village Manager or his/her designee or the village commission shall either accept, reject or refer for additional review the bid tabulation and recommendation.

Sec. 2-139. Waiver of competitive bidding procedures.

The village commission may, by majority vote, waive the competitive bidding procedures outlined in this article upon the recommendation of the Village Manager or his/her designee that it is in the best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services or other factors.

Sec. 2-140. Governmental contracts.

The Village Manager or his/her designee is hereby authorized to enter into bids or contracts entered into by other governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in this article.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

1	Section 4.	Repeal of Conflicting Provisions. To the extent any provisions of the	
2	Code conflict with the	is Chapter, those provisions are repealed in its entirety.	
3	Section 5.	Inclusion in the Code. It is the intention of the Village Commission, and	
4	it is hereby ordained	that the provisions of this Ordinance shall become and be made a part of the	
5	Code of the Village	e of Biscayne Park, Florida; that the sections of this Ordinance may be	
6	renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be		
7	changed to "Section" or other appropriate word.		
8	Section 6.	Effective Date. This Ordinance shall be effective upon adoption on	
9	second reading.		
10	The foregoing Ordin	ance was offered by Commissioner, who moved its	
11	adoption. The motio	n was seconded by and upon being put to a vote,	
12	the vote was as follow	ws:	
13 14 15		The foregoing ordinance upon being put to a vote, the vote was as follows:	
16 17 18 19 20 21	Roxanna Ross, Mayo	Mayor Ross Vice Mayor Bernard Commissioner Anderson Commissioner Childress Commission Cooper	
22 23 24 25 26	Maria C. Camara, Vi		
27 28 29 30	Approved as to form:		
31 32	John J. Hearn, Villag	e Attorney	



Village of Biscayne Park

640 NE 114th Street Biscayne Park, FL 33161

Tel: 305 899 8000 Fax: 305 891 7241 **Mayor and Commission**

Roxanna Ross Mayor

Steve Bernard Vice Mayor

Robert "Bob" Anderson Commissioner

> Albert Childress Commissioner

Bryan Cooper Commissioner

Ana Garcia Village Manager

John J. Hearn Village Attorney

Maria Camara Village Clerk

January 3, 2011

To: Mayor Roxana Ross

Vice Mayor Steve Bernard Commission Bob Anderson Commissioner Al Childress Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

Re: Ordinance 2010-16

Background Analysis:

The 2009-10 budget was prepared by the previous administration. This new team realized that there were many challenges and many unknowns in regards to this budget. We looked for efficiencies and savings in every department. Only the necessary items were expended that were approved. Line items such as Public Works vehicle repair went above budget beyond the control of the department and administration. By being extremely conservative in other areas that we could control, such as office supplies, for example, we insured a balanced budget for the first time in several years.

In addition, we have through the many budget workshops and hearings, discussed and provided explanations and reasoning for the variances between what was originally budgeted and the actual expenditures.

We have adopted a monthly reporting process that exceeds what this Village has ever been provided before. We have a professional, knowledgeable and experienced Finance Director that will continue to work with all department directors, managers and staff to insure a balanced budget.

Fiscal/Budgetary Impact:

As explained above, all funds have a balanced budget for the fiscal year 2009-2010 budget.

Manager Recommendation:

Municipalities differ in regards to how the amendments are presented. Based on the experience and recommendation of our Finance Director, Manager recommends approval at second reading.

The attachments for this resolution will be provided separately.

1	ORDINANCE NO. 2010-16
2	
3	AN ORDINANCE OF THE VILLAGE COMMISSION OF THE
4 5	VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO
6	SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2009-6 ADOPTED ON SEPTEMBER 22, 2009
7	FINALIZING AND ADOPTING THE ANNUAL OPERATING
8	BUDGET FOR FISCAL YEAR 2009-2010, BY AMENDING
9	VARIOUS PARTS OF THE BUDGET CONSISTENT WITH
10	EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR
11	CONFLICT; PROVIDING FOR SEVERABILITY;
12	PROVIDING FOR AN EFFECTIVE DATE
13 14	
15	WHEREAS, in accordance with the Village of Biscayne Park's Charter and all laws of
16	the State of Florida, on September 22, 2009, the Village Commission finalized and adopted its
17	operating budget for Fiscal Year 2009-2010, which is incorporated herein; and
18	WHEREAS, the Village Commission acknowledges that amendments are required to the
19	Annual Operating Budget for Fiscal Year 2009-2010, as designated in Exhibit "A", attached
20	hereto;
21	NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE
22	VILLAGE OF BISCAYNE PARK, FLORIDA,:
23	
24	Section 1. Each and all the foregoing Whereas clauses are true and correct and are
25	incorporated herein.
26	Section 2. That the Annual Operating Budget Fiscal Year 2009-2010, approved by
27	the Village Commission on September 22, 2009, is amended as designated in Exhibit "A",
28	attached hereto.
29	Section 3. The Village Commission hereby ratifies and confirms all other provisions
30	of Ordinance 2009-6.

l	Section 4. Conflicts. That all Ordin	ances or parts of Ordinances, Resolutions or	
2	parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such		
3	conflict.		
4	Section 5. Severability. The provis	ions of this Ordinance are declared to be	
5	severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason l		
6	held to be invalid or unconstitutional, such decision shall not affect the validity of the remainin		
7	sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it		
8	being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any		
9	part.		
10	Section 6. Effective Date. This Ordin	ance shall be effective upon adoption at	
11	second reading.		
12			
13	The foregoing Ordinance was offered by C	ommissioner, who	
14	moved its adoption. The motion was seconded by	and upon being put	
15	to a vote, the vote was as follows:		
16 17 18 19		The foregoing ordinance upon being put to a vote, the vote was as follows:	
20 21 22 23	Roxanna Ross, Mayor	Mayor Ross Vice Mayor Cooper Commissioner Anderson Commissioner Bernard	
24 25 26 27	Attest:	Commission Childress	
28 29 30 31 32	Village Clerk		

1	Approved as to form:	
2		
3		
4		
5	John J. Hearn, Village Attorney	
6		
7		

Item 11.a October 21, 2010 Investigative Report from Robert D. Soloff, Esquire

Immediately following this page is the 18 page Investigative Report only. The report references various e-mails and documents which is a separate document that will be posted to the website along with the agenda.

INVESTIGATIVE REPORT

TO: John J. Hearn, Esquire, Village of Biscayne Park

FROM: Robert D. Soloff, Esquire

RE: Investigation of Complaint of Village Manager Ana Garcia

DATE: October 21, 2010

1. <u>INTRODUCTION</u>

I was retained as special legal counsel to investigate the complaint by Village Manager Ana Garcia dated July 26, 2010 concerning Vice-Mayor Bryan Cooper. The purpose of my investigation of the Manager's Complaint was to interview those involved, to obtain relevant information, to render findings and, as appropriate, to make recommendations. Copies of documents relied upon are attached as Exhibits.

2. THE COMPLAINT, INVESTIGATION AUTHORIZATION AND BACKGROUND

On July 26, 2010, Village Manager Ana Garcia submitted an e-mail to Village Attorney John Hearn, Esquire complaining of a hostile work environment created by Vice-Mayor Bryan Cooper. E-mail Complaint by Village Attorney Manager dated July 26, 2010. Specifically, the Manager alleged that Vice-Mayor Cooper's communications were threatening or derogatory. According to the Manager, as a result of an incident the prior Friday, she decided to write the e-mail to the Village Attorney in which she stated that Vice-Mayor Cooper was taking her and the Village Clerk away from work they should be doing and that his "mental torture of innuendos and perceptions" have prevented her from performing necessary work for the Village. According to the Village Manager, she has called, sent e-mails and made every attempt to discuss anything the Vice-Mayor desired to better serve the Village and its residents. Specifically, the Manager said that she had been told by Lynn Fain, an employee with Miami-Dade Transit, that the Vice-Mayor said, "I am going after her," referring to the Manager. According to the Manager, Vice-Mayor Cooper had an issue with her recommendation of the ARRA grant and had been intimidating to the Clerk. The Manager stated Vice-Mayor Cooper could not be satisfied, and she expressed concern that continued efforts to satisfy Vice-Mayor Cooper "will basically prevent us from running the daily operations of our Village." The Manager concluded her e-mail with a request for direction from the Village Attorney.

In response, the Village Attorney, by e-mail dated July 28, 2010, advised the Manager that he did not have authority under the Village Charter to investigate allegations regarding a Commissioner, and advised the Manager that this matter must be directed to the full Commission to obtain their direction. On August 2, 2010, the Village Manager sent an e-mail to all Commissioners forwarding her July 26 e-mail, and, further, advising that on Friday, July 23, 2010 during a meeting with the Clerk, after Vice-Mayor Cooper had expressed his dissatisfaction with not being provided with the Code Review revisions, he said he would be contacting the State Attorney's office. Again, in this e-mail, the Village Manager emphasized that there was nothing that she could do to satisfy Vice-Mayor Cooper.

A. <u>Vice-Mayor Cooper's Response to the Village Manager's Complaint.</u>

In response, Vice-Mayor Cooper wrote an e-mail on August 2, 2010, in which he denied his alleged statement to Ms. Fain, confirmed that he intended to contact the State Attorney's office, advised that he was prepared to meet with an independent attorney investigating the allegations, and advised that he was providing a copy of his e-mail to Ms. Fain and to Robert Myers of the Miami-Dade County Ethics Board.

B. <u>Authorization of Investigation.</u>

Thereafter, the Commission authorized an independent investigation of the Village Manager's complaint. I was engaged by the Commission to investigate the allegations in the Manager's Complaint, to interview all individuals as deemed appropriate, to take any other investigative actions which I determined relevant and necessary, and to provide a report of my investigation. The cost of the investigation was not to exceed \$5,000. The Village Attorney confirmed my engagement to perform this investigation by e-mail dated August 11, 2010, which was provided to all Commissioners and the Manager. Subsequently, the Village Attorney contacted me to inquire as to the cost of reviewing Vice-Mayor Cooper's allegations concerning a former Finance Department contractor and related allegations. I advised the Village Attorney that I would look into those allegations without exceeding the \$5,000 cap on the investigation, and include such issues as I determined were relevant to the investigation.

C. <u>Vice-Mayor Cooper's Subsequent E-Mails Regarding the Investigation.</u>

In response to the Village Attorney's notification of my engagement, Vice-Mayor Cooper wrote an e-mail dated August 12 complaining that the Village Attorney's e-mail confirming the investigation failed to include direction to investigate allegations concerning the Manager, which Vice-Mayor Cooper had raised. Also, Vice-Mayor Cooper stated, "If it is your intent that this be a one-sided investigation, and that you are taking direction from the majority of the Commission as to a singular direction of this investigation, I would like to be advised in advance." In his August 12 e-mail response,

the Village Attorney explained the investigation was not limited only to wrongful allegations against Vice-Mayor Cooper, but also included follow-up on any relevant, related allegations.

During the course of the investigation, Vice-Mayor Cooper continued to send e-mails to the Village Attorney challenging the scope of the investigation and demanding that the investigation include an evaluation of the Manager's performance. For example, the Vice-Mayor asked various questions about the Manager's evaluation, stated that he could not meet with the Manager without an independent witness, and, asked what was being investigated under State law which could be considered a "chargeable offense" (apparently meaning a "criminal violation"). E-mail from Vice-Mayor Cooper to Village Attorney dated August 26, 2010. In his August 28 response, the Village Attorney explained that the investigation and the Manager's evaluation were separate matters, and that the investigation did not include any "chargeable offense."

Despite the Village Attorney's explanation that the Manager's evaluation and the investigation were separate issues, Vice-Mayor Cooper wrote an August 30 e-mail stating that he believed the Manager's allegations were the result of his use of the Sunshine Law to obtain information and that "looking at ALL e-mails shows that the larger issue is indeed the evaluation of the Manager." In conclusion, the Vice-Mayor stated that the Village Attorney's explanation that the allegations of the Manager and her evaluation were separate matters "might necessitate bringing forth the larger allegations against the manager so all see the real picture."

On September 2, 1010, Vice-Mayor Cooper sent an e-mail to the Village Attorney, which he copied to all Commissioners, the Manager and the Clerk. In that e-mail, he identified a former Village contractor ("staff member") who had provided specific complaints regarding the Manager, and wrote, "Clearly, we need to research more fully with the remaining Village Staff, who have been named as witnesses to the allegations said to occur in Village Hall." Vice-Mayor Cooper then listed 5 specific issues identified by the former staff member, and concluded by stating:

I trust that the attorney we hired will take information on these allegations as they are directly related to occurrences from before April to the present. Only then, I feel, will we be able to move forward for final discussion with the Manger, and in the context of contract discussions.

E-mail from Vice-Mayor Cooper to Village Attorney dated September 2, 2010. Also, Vice-Mayor Cooper sent an e-mail to me requesting that I obtained Commissioner Bernard's recent evaluation of the Manager.

D. Obtaining Background Information.

Prior to initiating interviews, I spoke with Village Attorney John Hearn and obtained background information, the names and positions held of those referenced in the Manager's complaint, as well as the recent election history regarding the Village Commission. Also in preparation for interviews, I reviewed related e-mails, the Village website and relevant portions of the Village of Biscayne Park Charter.

3. INTERVIEW SUMMARIES AND INFORMATION RECEIVED

I met or spoke privately with all individuals identified below. Also, I had follow-up calls and e-mail communication with the Manager, Clerk, Vice-Mayor and Village Attorney to obtain additional information and clarification or follow up information.

A. <u>Village Manager Ana Garcia</u>.

Ana Garcia was appointed as Manager by the Village Commission in October 2010, as the second Village Manager. The previous Manager held the position for 3 years; prior to that there had been a Commission form of government. The Manager explained that after the election of December 3, 2009, the majority of the Commission changed, and that there has been a "3 to 2" split Commission, with Vice-Mayor Cooper and Commissioner Bernard typically in the minority. As Manager, she is a Charter employee appointed by the Commission. Charter, §3.01. The Village Manager is responsible for "the administration of all Village affairs and for carrying out the policies of the Commission." Charter, §3.01(A). One of the Village Manager's responsibilities is to appoint the Clerk who is responsible for giving notice of Commission meetings, maintaining minutes, and performing other significant responsibilities as directed by the Manager. Charter, §3.01(C)(10).

The Manager identified 2 matters which had caused friction between her and Vice-Mayor Cooper. Specifically, the American Resource and Recovery Act ("ARRA") grant for shoulder striping on Village roads, and the Florida Power and Light ("FPL") Franchise Fee renewal. The Manager provided background on the Village's finances and recent budgetary pressures. She also provided specific details regarding the events leading up to the Clerk's meeting with Vice-Mayor Cooper on July 23, 2010 which gave rise to her complaint, and provided me with a highlighted copy of the Village Charter and numerous e-mails she believed to be relevant.

The Manager advised me that she believed the Vice-Mayor's request made directly to the Clerk was improper under the Charter which prohibits the Commission members from giving "orders directly to any such [Village] officer or employee, either publicly or privately." Charter, §4.02 (B) (2).

B. <u>Village Clerk Maria Camara.</u>

The Clerk is a long time resident of the Village; as a resident she was (and remains) the Village Web master. She was hired as Village Clerk on January 18, 2010.

The Clerk explained that after receiving Vice-Mayor Cooper's June 18, 2010 e-mail requesting "unlimited access to all village files", she responded to all of his questions, which included many inquiries, and follow up inquiries, regarding stored Village documents. The Clerk provided details of her July 23 meeting with Vice-Mayor Cooper and a City resident, as discussed below, as well as her follow up meeting with Vice-Mayor Cooper on August 12,. Also, she provided me with organized e-mail packets concerning the ARRA grant and the Vice-Mayor's request for information, discussed in detail below.

C. <u>Vice-Mayor Bryan Cooper.</u>

I met with Vice-Mayor Cooper, explained the investigation was based on the Manager's complaint as reflected in her July 26 e-mail, asked questions about the allegations made by the Manager and provided him with the opportunity to provide me with any information and documents in response to the Manager's complaint. He provided background information regarding the ARRA grant. According to Vice-Mayor Cooper, he understood the scope of the grant could not be changed and that the new Commission in December 2009 had directed the Manager to determine if the scope could be changed. Vice-Mayor Cooper stated that he told Lynn Fain that the scope of the ARRA grant could not be changed based on Federal rules. In response to the Manager's allegations that he stated to Lynn Fain that, "I am going after her" (referring to Manager), Vice-Mayor Cooper said he did not recall making that statement. He denied the Manager's allegation that Lynn Fain said Mr. Cooper had stated at a meeting that the former Manager "was on mental leave."

According to Vice-Mayor Cooper, there is a pattern in the Manager making things up, and she has acted unprofessionally. Vice-Mayor Cooper explained that his problems with the Village Manager began in early March when he learned that a storm water project (over \$100,000) had been entered into without a competitive bid. When the Vice-Mayor asked the Manager about this project, she became agitated and asked the Clerk to join their meeting. The Vice-Mayor said that if the Manager did not listen to his concerns, he would have to raise it with the Commission. According to the Vice-Mayor, in response, the Manager stood up, swaggered, raised her finger as if to mark a "score", and said, "I got you. See Maria, he threatened me." Vice-Mayor Cooper then left Village Hall, and determined that if the Manager would not listen to him, he would bring any issues directly to the Commission.

Another incident occurred before Easter at the Village Egg Hunt when the Manager was speaking with the Vice-Mayor and the Mayor came up to them. According to Vice-Mayor Cooper, the Mayor interrupted his conversation. Vice-Mayor Cooper stated this has happened several times and, therefore, he does not engage in private conversations near the Mayor.

Regarding the FPL Franchise Renewal, Vice-Mayor Cooper said he believes it is beneficial if a Manager can present both sides of an issue and he asked the Manager if she could be more balanced on this issue. He did not meet with the Manager alone on this issue, because of her conduct at his meeting with her concerning the storm water project.

Vice-Mayor Cooper believes the Manager favors other Commissioners, and because of his concerns about meeting with her, he limits his communications with her to e-mails, as much as possible.

As background to the issues concerning his desire to obtain public records without prior description or identification of the records, Vice-Mayor Cooper explained that numerous concerns were raised to him by Marilu Manso, who had been a Finance Clerk contractor with the Village. On April 8, 2010, Ms. Manso sent an e-mail to the Manager advising she was no longer providing serVices to the Village, effective immediately. She sent a copy of her e-mail to all Commissioners. In her e-mail, to the manager, she stated, "I have irreconcilable differences with your management style and feel that your decision and actions will ultimately jeopardize the ethics and integrity of the Finance Department."

Subsequently, Vice-Manager Cooper spoke with Ms. Manso two times. She advised him of the following concerns: (1) improper transfer of money from Sanitation Fund to General Fund to pay an employee's salary; (2) the Manager failing to follow Personnel Rules for her own vacation and leave time; (3) the Manager pressuring an employee to write a memo to Commissioner Bernard with incorrect information; (4) abusive behavior by the Manager; and (5) the Manager did not follow the policy that all employees must take vacation time. See Vice-Mayor Cooper's August 30 e-mail. Particularly troubling to the Vice-Mayor were the allegations that when Ms. Manso tried to record the Manager's vacation and leave time on her time cards, the Manager told Ms. Manso not to change her time cards.

Based on these allegations, Vice-Mayor Cooper decided to investigate, and he sent an e-mil to the Clerk on June 18, 2010, to advise he needed to obtain records. He said that he did not want to identify any records because he was afraid the records could "disappear or be changed" based on residents telling him that when they had requested records, those records could not be located or produced.

After some delay, he had his first meeting with the Clerk on July 23, 2010, along with a Village resident. The Vice-Mayor asked for a "red lined" draft of the revised Village Code and minutes from the Code Review Committee. The Clerk advised she did not have them, and due to his concerns about obtaining public records, he said to the Clerk that the lack of records "makes me feel like going to the State Attorney."

In his second meeting to obtain public records on August 12, 2010, the Vice-Mayor did not obtain all of the information he wanted, but believes he will be able to obtain all necessary information. He continues to have concerns about obstruction of access to public records. Also, he said that Ms. Manso's complaint raised a larger issue about the Manager not performing her job properly or ethically, failing to report her vacation time in violation of Personnel Policy, and not following Village Personnel Policies requiring employees to take vacation time.

Specifically, in his public records search Vice-Mayor Cooper obtained 3 Time Sheets of the Manager which, he said, established that she took one day as vacation time which was not recorded, another day as administrative leave which was "questionable," and a third day for Bereavement leave, all of which were, are in violation of the Village Personnel Rules and Regulations covering leave policies. Copies of these 3 Time Sheets are attached.

Vice-Mayor Cooper said he believes the Manager has taken sides against him, and also against Commissioner Bernard because of their insistence for accountability of the Manager. Also, Vice-Mayor Cooper believes the Manager tried to "set him up" as evidenced by the meeting regarding the sewer contract, her claim of his statement to Lynn Fain that he was out to get her and her e-mail to him implying that he directed the Clerk to obtain public information in violation of the Village Charter prohibition against Commissioners directing employees. As a follow-up, Vice-Mayor Cooper requested that I spoke with Marilu Manso; later he also requested that I obtain and review Commissioner Bernard's August 31, 2010 evaluation of the Village Manager.

D. <u>Former Village Finance Contractor Marilu Manso.</u>

At the suggestion of Vice-Mayor Cooper, I contacted Marilu Manso and spoke with her regarding her leaving the Finance Clerk position and her concerns about the Village Manager. Ms. Manso told me she began performing Finance Clerk serVices for the Village in January 2008 for several months, then left and returned in August 2008; she then worked as a contract worker from October 1, 2009 to April 7, 2010 working about 30 to 35 hours per week. She told me that she had wanted to leave her position earlier (at the end of 2009), but had continued in order to assist the Village. Ms. Manso explained that she left the Village because of concerns reflected in her April 7, 2010 e-mail, which she forwarded to all Commissioners, and that she subsequently met or

spoke with the Mayor and all Commissioners, including two conversations with Vice-Mayor Cooper. She identified to me four specific concerns: (1) the transfer of money from the general fund to sanitation; (2) the Manager's failure to follow the Employee Handbook which required employees to take vacations; (3) abusive treatment by the Manager; and (4) the Manager recording time at work when she was out of the office (specifically, Christmas Eve and New Year's Eve) and receiving pay for a day the Manager had taken off in late March or early April. Ms. Manso provided detailed information regarding her concerns, and identified the following example of the Manager's abusive behavior: a week before she left, in response to Ms. Manso's concerns over a memo regarding required vacation time for employees, and in the presence of two police officers, the Manager said to her, "Down girl, down," as if she were a dog. She told me that she believed the Manager lacked an understanding of administrative and finance issues concerning the Village. In response to my questions, Ms. Manso told me that she had no issue and no concerns regarding the Manager taking, removing or altering any public documents, other than the issue noted above regarding the Manager's time card. She did not recall any issue regarding a Code Officer.

E. Lynn Fain.

I called Lynn Fain, but she refused to speak with me and directed me to call an Assistant Miami-Dade County Attorney. I called and spoke with the Assistant County Attorney, explained my engagement and scope of investigation on behalf of the Village and, as requested, sent an e-mail to him explaining generally the questions I wished to ask Ms. Fain. On October 20, 2010 at about 3:00 p.m., I received a call from Lynn Fain, who spoke with me on a speaker phone with her supervisor present. I explained to her that I was performing an investigation for the Village and wanted to ask her some questions. She agreed to answer my questions.

Ms. Fain is employed by Miami-Dade Transit and is responsible for coordinating grants for the ARRA with municipalities in Miami Dade County, which included the Village grant. She said working on the Village grant had been difficult she explained that she had a couple of telephone conversations with Vice-Mayor Cooper before his election to office regarding the Village grant which she said were not very productive, and Mr. Cooper advised he would no longer speak with her and would only communicate with her supervisor. Ms. Fain said that at a meeting in which she expected the former Manager, she asked, Mr. Cooper where the Manager was, and he replied, "On a Leave of Absence." Later, after her supervisor had retired, at a public meeting Mr. Cooper told her he would need to communicate with her in the future regarding the ARRA grant, and that they proceeded on cordial terms.

Ms. Fain told me she had met twice with the Manager and the Clerk to discuss the ARRA grant. In response to a direct question about the Manager's allegation the Vice-Mayor had said, "I am going after her," (referring to the Manager) Ms. Fain said that Vice-Mayor Cooper had not said that, or any words like that, to her.

F. Additional Information Reviewed.

Additional information which I reviewed included e-mails from Commissioner Bernard, which were provided to me by the Village Attorney. The first e-mail, dated August 2 concerned the Manager's July 30 e-mail to Vice-Mayor Cooper, and copied to the Commission, regarding the Vice-Mayor's request for information. Commissioner Bernard's second e-mail, dated August 24, 2010 addressed various concerns regarding the Manager, her complaint and the Manager and/or Clerk's response to Vice-Mayor Coopers request for records. At the request of Vice-Mayor Cooper, I also obtained and reviewed Commissioner Bernard's August 31, 2010 performance evaluation of the Village Manager. Also, I received from Vice-Mayor Cooper 3 of the Manager's Time Sheets, discussed above.

4. ISSUES

A. <u>The ARRA Grant</u>.

Before his election to the Commission, Mr. Cooper wrote a grant proposal for the Village concerning a project for "shoulder striping" which included narrowing certain street striping and adding a 3 foot wide bicycle lane. On October 3, 2009, Mr. Cooper wrote an e-mail to the Manager in which he criticized her actions in several matters and advised that he would "be contacting DERM to set up a meeting ... to discuss a number of issues concerning what's been happening here in the village (as I've advised you of in our first meeting)." E-mail from Bryan Cooper to Manager, October 30, 2009. On October 28, 2009, the Village Commission addressed the ARRA grant, heard various testimony, considered numerous issues concerning the grant, and voted 3 to 2 to turn down the grant. Minutes, Special Commission Meeting and Joint Meeting with Pathways Ad Hoc Committee, October 28, 2009.

After the current Commission was elected in December, Vice-Mayor Cooper brought a Motion to Reconsider the ARRA grant, which passed 3-2 at the December 8, 2010 Commission meeting. Excerpt of Minutes of Commission Meeting, December 8, 2009. The Manager then followed up on the ARRA grant, and in a December 16, 2009 e-mail advised the Commissioners that the Village could submit a project scope change, and still had time to approve and sign the ARRA grant in January.

In response, on December 17, 2009, Vice-Mayor Cooper wrote a lengthy e-mail expressing his concerns over the recommended scope change to the ARRA grant,

which concluded with the assertion that he had been advised "outright false information" had been presented intentionally by members of the Ad Hoc Pathways Committee and "this could be an ethics/charter violation with county & state action pending the direction of the final outcome" which could "be a visible tainting of government process that started us toward this suggested scope change - - instead of working toward a plan already approved the FTA Atlanta, etc." He continued with another lengthy e-mail on December 22, 2009, with additional information to support the ARRA grant as he had written, noting that he "had 10 or so people sign on to the plan of creating safer roadways even before I decided to run [for Village Commission]." Also, the Vice-Mayor wrote a December 17, 2009 e-mail, asked for the Manager's support for a project, and wrote that if the Manager did not support his position, "division will only deepen I fear. But if you express strong leadership to find the money for all components, we'll be off to a great start to overcoming the past."

Due to liability and other concerns, the new Commission addressed the grant on January 12, 2010. At the Commission meeting, the Manager reported she had discussed changing the scope of the grant with the Miami-Dade Transit. Vice-Mayor Cooper brought a motion to sign the interlocal agreement, and to later discuss how to use the funds. That motion lost in a 3 to 2 vote. Commissioner Anderson then made a motion to accept the Manager's recommendation to change the scope of the project, which passed in a 3 to 2 vote. Excerpt of Minutes of Commission Meeting, January 12, 2010. The day following the Commission vote to change the scope of the ARRA grant, on January 13, 2010, Vice-Mayor Cooper wrote an e-mail to the Village Attorney claiming the Manager had told him the Village Attorney had advised her "it was better to not create the road shoulder/greenway than to do it ... I was a bit shocked at this ... " The Vice-Mayor then asked if the Village Attorney was "charging the village for my questions" regarding legal issues, and concluded by stating that he "might seek outside legal assistance that can be delivered pro-bono." In response, later on January 13, 2010, the Village Attorney wrote back explaining his sole focus regarding the project concerned liability and the Village's future ability to maintain the project. He also explained he did not bill the Village for all of his time, noted his 20 years of practice and highest possible attorney ranking, mentioned his personal connection to the Village and explained his job was to provide "the best legal adVice and protection" to the Village.

The Village Manager and City Clerk met in April 2010 with Lynn Fain of Miami-Dade County Transit, the office responsible for administering the ARRA grant. She advised that the scope of the grant to the Village could not be changed because the application had been received and the project could be approved as written, or it could be voted down and a letter sent to the County. According to the Manager (and the City Clerk), Ms. Fain advised them that Vice-Mayor Cooper had called her boss, threatened her job and said he would be going after the Village Manager.

On May 3, 2010, Vice-Mayor Cooper wrote an e-mail to the Manager requesting that she provide an update on the status of communication with Lynn Fain regarding the grant. At the May 4th Commission meeting, the Manager explained the ARRA grant status and that Miami-Dade County had advised the scope could not be changed. Vice-Mayor Cooper stated that it was his understanding based in his personal discussions with the County that the grant could be changed, as long as there was no change to the original scope regarding connecting two transit points. The Commission decided to move the item to the next Commission Meeting. Excerpt of Minutes of Commission Meeting, May 4, 2010.

After the Commission Meeting, the Manager forwarded her May 5, e-mail to Lynn Fain to Vice-Mayor Cooper who responded in a May 7 e-mail requesting very specific answers to details about the ARRA grant and possible changes. The Manager reported to the Commission at its May 12 meeting that she had followed up with Lynn Fain, and again had been told that the original ARRA proposal could not be changed. Again, Commissioner Cooper said he did not agree, and said he would contact Lynn Fain directly if he did not believe the information received was correct. Excerpt of Minutes from Commission Meeting, July 12, 2010.

The Manager followed up and, along with the Village Clerk, met with Lynn Fain on May 14, 2010, and scheduled a conference call on the ARRA grant for May 20, 2010, which later was held to discuss the issues regarding the change in scope to the plan. The information obtained was sent by e-mail from the Clerk to the Commission on May 20, 2010. An additional meeting was held with the Miami-Dade Project Manager for the ARRA grant in which he advised that the Village could proceed with the original plans for the route, or a different route that maintains the original scope, but regardless the Village must obtain an engineering consultant to provide a cost estimate. This information also was sent by e-mail from the Clerk to the Commission. In response on May 27, Vice-Mayor Cooper wrote an e-mail to the Manager, Clerk, City Attorney and Lynn Fain requesting contact information for the Miami-Dade Project Manager for ARRA grants, said he had "fact finding" to do, and concluded, "I surely hope that we are not interpreting wrongful mandates that will be used to set up yet another roadblock to this grant that has been approved."

On June 8, the Manager provided updated information to the Commission which she had received regarding the ARRA grant. Commissioner Bernard brought a motion to approve the grant, which failed by a 3 to 2 vote, Commissioner Bernard and Vice-Mayor Cooper voting in favor. As a result, the Mayor directed that a letter be written to the County opting out of the grant. Excerpt of Minutes of Commission Meeting, June 8, 2010. On June 11, 2010, the Mayor signed the letter to Miami Dade Transit opting out of the ARRA grant.

B. <u>The FPL Franchise</u> Fee.

FPL provides the Village with \$135,000 a year in franchise fees, through monthly payments. In March 2010, in preparing for the budget for the following fiscal year the Manager had concerns because the projected reduction in the Villager's property assessment will lead to reduced property tax revenue, and due to the Police Department's expenditures in the first quarter which were over-budget due to overtime, as well as significant legal fees involving to 2 arbitrations regarding the Police Department. Based on the Village's upcoming financial constraints, the common use of FPL by municipalities throughout South Florida, as well as the need for such payments from FPL, the Manager recommended a renewal of the FPL Franchise fee to the Commission. Vice-Mayor Cooper wrote several e-mails for the Manager and the Village Attorney explaining his research and asking questions about how the Village itself could collect the franchise fee, use Village trash collectors to read election meters and, in response to an expert's opinion that the Village review the FPL Franchise fee, Vice-Mayor Cooper wrote an e-mail stating the expert was misinformed, lacked knowledge of Village issues, challenging his recommendation and, in conclusion, that the Manager failed to provide "equal time" meeting with each Commissioner. E-mail from Vice-Mayor Cooper to Manager Clerk and Village Attorney, April 4, 2010.

The Manager recommended renewal of the FPL Franchise Fee agreement, Vice-Mayor Cooper voted against it, and the Commission voted to renew the FPL Franchise Fee.

C. The Request for Records.

On June 18, 2010, the Vice-Mayor wrote an e-mail to the Clerk requesting to meet with her and to provide him with "unlimited access to all Village files and records for a period of about 1hour, for my personal research..." Also in his e-mail, the Vice-Mayor requested to be advised of "any files that are in storage" and requested details about all Village files in storage. The Manager was not provided a copy of the Vice-Mayor's e-mail, and was not advised by the Vice-Mayor of his request, prior to his sending the e-mail. The Clerk advised the Manager of her receipt of the Vice-Mayor's e-mail request.

On July 23, 2010 at 5:30 p.m., Vice-Mayor Cooper met with the Clerk, along with a Village resident. Initially he asked the Clerk for a copy of a "red-line" or modified Code that was under review by the Code Review Board and the Board's minutes. The Clerk advised the Vice-Mayor that she did not have the red-lined code. In response, Vice-Mayor Cooper stated that was not right and that was something to take to the State Attorney's" Office. The Clerk explained the Code Review Board had the red-lined Code and minutes, and that she could obtain them and provide them to the Vice-Mayor; they were provided to him the following week. Also, Vice-Mayor Cooper asked for the Personnel Policies & Procedures Manual, which was provided. He also asked the Clerk

to run reports on the finance computer system (HTE), but the Clerk advised only the Finance Director and Finance Clerk could run reports, and the Clerk had not stay late because of the possible storm. The Clerk asked the Vice-Mayor to identify what information was needed, so the Finance Clerk could obtain that information. Vice-Mayor Cooper insisted that he be present personally to make his requests and to receive the information and documents. After the Clerk reported the Vice-Mayor's comments regarding the State Attorney's office to the Village Manager, she decided that she had to file her complaint because the Vice-Mayor had interfered with the Manager's authority under the Village Charter to direct the Clerk and other Village employees, as well as had made constant demands of the Manager and Clerk interfering with their ability to perform their job responsibilities. See Village Charter, §3.01(c)(10).

As a follow up to the meeting, the Clerk wrote an e-mail on July 28 to Vice Mayor Cooper and advised that, per the Village Attorney, his request to run reports from the HTE system was outside the normal guidelines of a public records request and, therefore, would have to be discussed by the Commission. In response, Vice-Mayor Cooper wrote an e-mail on July 28 to Robert Myers of Miami-Dade County Ethics Commission claiming that he had received adVice from the Village Attorney that he did not have to provide a written request for public records. Also, the Vice-Mayor claimed that the cancellation of prior scheduled meetings with the Clerk "appear questionable as to the reasoning," and that the Clerk told him she would provide access, but preferred to know days in advance what information he was requesting.

As a result of the Vice-Mayor's assertion of contradictory adVice, the Village Attorney wrote an e-mail on July 29 to Vice-Mayor Cooper explaining that he had "an absolute right to public records" and did not have to put a request in writing (noting that such a request would make it easier to obtain those records). However, he advised the Vice-Mayor that he did not have a right to require the Finance Clerk to work after hours as that disrupts the running of Village business.

This resulted in an e-mail response from the Vice-Mayor dated July 30addressed to Robert Meyers of the Miami-Dade Ethics Commission and the Village Attorney, with copies to the Clerk and Manager, demanding to know if the Finance Clerk is an exempt or non-exempt position, requesting confirmation that there was no job description (despite the Clerk's prior verbal adVice and prior e-mail confirming), asking if the Finance staff had worked late in the past and requesting further legal adVice regarding his access to public records Mr. Meyer wrote an e-mail in response advising that his office lacks legal authority to give opinions on the Florida Public Records Act, but that he concurred with the Village attorney's interpretation of Florida law.

The Vice-Mayor's e-mails continued: to the Clerk he asked whether he needed Commission approval for access to government information; to Mr. Myers he asked: "who, that you know at State level, should I send my e-mails to regarding Sunshine law, since it is not you." E-mail by Vice-Mayor, Cooper, July 30, 2010.To the Clerk and Village Attorney he wrote asking as to the hours when a Commissioner can obtain Finance information and asking for a copy of the policy which "shows the Manager is not arbitrarily applying rules or restrictions of serVice to one Commissioner and different rules to another." And, in his next e-mail on July 30, the Vice-Mayor wrote to the Manager claiming that she was limiting his access to public records. In response, the Manager wrote back and noted in his initial request to the Clerk on June 18, 2010, the Vice-Mayor gave direct orders to the Clerk, in violation of the Charter, and did not copy the Manager. Also, she explained that public record requests are routinely handled by the Village with consistent practice. Finally, the Manager requested some "general description" of the information the Vice-Mayor was requesting, to determine if the Finance Director or the Finance Clerk was necessary to obtain the requested information.

Again, in response, Vice-Mayor Cooper wrote an e-mail to the Clerk and Robert Myers asking, "Mr. Meyers, do you review that status of Charter violation charges?" and then he asked for a "comment" on the Manager's earlier explanation that under the Charter his request should have been directed to her, and not to the Clerk, a Village employee.

A July 31 e-mail then followed from Vice-Mayor Cooper to the Village Attorney asking questions regarding public records and the Sunshine law, and stating, "I will hold off on...[moving] these and all other questions on to the State Attorney's Office until you answer me in the next few days (I HOPE)."

Subsequently, it was agreed the Vice-Mayor would schedule a meeting with Village Finance Director Arciola to obtain the additional information the Vice-Mayor would be requesting, including information from the HTE system. E-mail from Village Attorney to Vice-Mayor and Manager, August 4, 2010.

After a number of e-mails regarding scheduling, Vice-Mayor Cooper met at Village Hall on August 12, 2010 with Finance Director Arciola, Finance Clerk Karina Moreta and the Clerk. Vice-Mayor Cooper made requests for information and documents, which included several print-outs from the HTE system, as well as copies of the Time Sheets of the Manager since she began working for the Village. The Clerk's e-mail of August 13, 2010 detailed every request, and what was provided in response. The Vice-Mayor's specific concerns regarding the Manager's Time Sheets and alleged violations of Personnel Policy have been detailed above.

5. FINDINGS OF THE INVESTIGATION

The Village Charter sets out the Village Manager's duties and responsibilities, as well as the prohibition on Commissioners directing Village employees. These provisions are standard for a Manager led form of government in which the Commission sets policies, budgets, practice, etc. and relies on the Manager, as a professional administrator, to carry out the Commission's directions and to manage employees and oversee the Village's daily operations. Florida's Public Records Law mandates that public records be available to all, except for specified exemptions; Florida's Government in the Sunshine Law establishes a right to access to governmental proceedings, and, accordingly, requires deliberations of elected governmental officials to be in the "sunshine," and prohibits private meetings and communications over the public's business. No law or policy regulates civility, common courtesy or requires an elected or appointed official to be reasonable or work cooperatively with others.

Nonetheless, we all expect, and often the public demands, that their elected and appointed officials act appropriately, with recognition of others. Hopefully, all public officials, elected and appointed, will recognize they will best serve the public interest, and their own reputation, by acting reasonably and understanding that, as public officials, they represent and serve the public interest, not only their personal wants and goals.

A second prefatory explanation also is necessary. The scope of this investigation concerned the Manger's July 26, 2010 complaint. Although noting the underlying history of concerns regarding the Manager and her performance by Commissioner Vice-Mayor Cooper and Commissioner Bernard, whether the Manager has performed her job poorly (or well) is not directly relevant to the scope of this investigation, which is as follows: whether the Manager's allegations are true, and if so, are there any recommendations to assist elected and appointed Village officials and to benefit the public.

Because the investigation involved allegations that Vice-Mayor Cooper made certain statements to Lynn Fain, a Miami-Dade Transit employee, I had an initial concern regarding the investigation because Vice-Mayor Cooper had sent his August 2 e-mail denying the Manager's complaint directly to Ms. Fain. Vice-Mayor Cooper may have compromised the investigation by sending his e-mail to a witness which included the statement that "communications will indeed be forthcoming to the State Attorney's office." This concern was heightened by Ms. Fain's refusal to speak to me until after approval by the County Attorney's office, only speaking to me with her supervisor present, her statements regarding her past difficulties with Vice-Mayor Cooper and her general demeanor during our conversation. It appeared to me that Ms. Fain was not completely forthcoming. Of course, I have no authority to obtain statements under oath in this investigation. Accordingly, I find that the allegations that Lynn Fain told the

Manager and the Clerk that Vice-Mayor Cooper stated, "I am going after her" (referring to the Manager) to be unsubstantiated. Also, I find the allegation that Vice-Mayor Cooper said to Lynn Fain, regarding the former Manager, that he was "on mental leave" to be unsubstantiated.

As to the principle allegations, it is abundantly clear and confirmed – as established by numerous e-mails- that Vice-Mayor Cooper has been consistently accusatory and threatening in word and in tone to the Manager, as well as to the Clerk and the Village Attorney. The Vice- Mayor both hides and attacks behind e-mails, rather than trying to work with Village staff. He has routinely sent e-mails or copies of e-mails to the Miami Ethics commission, threatened to go to the State Attorney's Office, and implied actions contrary top his desires would be in violation of the law in communications with the Manager and the Clerk. For example, see Vice-Mayor Cooper's e-mail of December 17, 2009 (claiming ethical/charter violations ... tainting of governmental process), e-mails of July 28 and July 30 to the Clerk and R. Myers of Miami-Dade Ethics Commission (implying Clerk preventing him access to documents, asking who to contact at the State level re "Sunshine law, since it is not you...); and e-mail of August 2, 2010 in response to the Manager's complaint ("Communications will indeed be forthcoming to the State Attorney's Office...). Also, when the Clerk did not provide him with a red-lined version of the Code, -which she did not have-the Vice-Mayor's response was to threaten to go to the State Attorney's Office. There was no rational reason for such a threat.

Whenever the Vice-Mayor has not obtained the response he has wanted, he has attacked, challenged, and threatened. This includes not only the Manager, as evidenced by the Vice-Mayor's e-mails of December 17, 2009 and July 30, 2009, but also his attacks and threats to the Village Attorney when he was unhappy with information received. See Vice-Mayor Cooper's e-mails to the Village Attorney dated January 13, 2010 (claiming the Village Attorney gave contradictory adVice, demanding to know if the Village was being charged for the adVice and saying he may seek outside legal adVice) and July 31, 2010 ("I will hold off on [moving] ... these and other questions on to the State Attorney's Office until you answer me in the next few days (I HOPE).").

Further, I find that Vice-Mayor Cooper's refusal not to identify the public records he wanted-as is his right- to be needlessly disruptive to the Village staff and counterproductive to his own goals. He had no facts to support his claim that he was fearful documents would be altered, destroyed or not provided to him if requested in writing, other than the anecdotal claims of other residents that they had not received requested documents. Ms. Manso told me that, other than a time sheet, she had no concerns about the maintenance of public records. Because the Vice-Mayor prefers to communicate only by e-mail, it was difficult and time consuming to coordinate a date and time for his review of documents. It would have been much easier, especially as the Vice-Mayor's purported fear of document loss or alteration was unsupported, to simply

provide a written request for documents. Also, it should be noted that any destruction or alteration of public documents is a serious violation of the law.

Also, I find that the Vice-Mayor's direct communication with the Clerk by his June 18, 2010 e-mail appears to violate the Charter's prohibition on Commissioner's directing Village staff, as the Vice-Mayor directed the Clerk and other staff to be present for the Vice-Mayor's document search, particularly as the Vice-Mayor did not copy the Village Manager. However, I find the Vice-Mayor's request for information about file location and file storage to be appropriate, as he was not directing staff; but only asking questions to the Clerk concerning her area of responsibility.

I find that Vice-Mayor Cooper's conduct has had a harmful effect on the Village operations as he has escalated all issues and disputes into heightened conflict, exacerbated by his threats of going to the State Attorney, or his innuendos of some ethical violation by sending e-mails (directly and by copy) to the Miami-Dade Ethics Commission. Such threats and implied threats have no proper use by an elected official. Instead of focusing on obtaining the information he desired (and has an absolute right to obtain public documents at any time), Vice-Mayor Cooper engaged in hostile e-mails with the Manager, the Clerk, the Village Attorney, and-when he did not get the response he desired-even with the representative of the Miami-Dade Ethics Commission. This hostility, direct threats and indirect personal attacks did impede the Manager, the Clerk and Village staff from performing their work, and unnecessarily created a negative atmosphere.

As to the Vice-Mayor's concerns regarding the Manager's performance, possible violation of Personnel Roles, abusive actions, etc., all of that is beyond the scope of this investigation. Moreover, such an investigation may be authorized by the Commission. And it must be noted, that the Commission has the express authority in the Village Charter, Section 3.01 (B), to "remove" the Manager at any time. See also Charter §3.03, "Removal Procedure." Finally, I understand that the Commission is soon to be performing an evaluation of the Manager, during which Vice-Mayor Cooper and any other Commissioner may identify any concerns and issues regarding the Manager and her job performance.

6. RECOMMENDATIONS AND CONCLUSION

Regardless of the significant conflict detailed above, it is clear that Vice-Mayor Cooper is passionate and dedicated in his support of the Village. The Village Manager and Clerk have expressed their desire for the Village's success and for a better relationship with the Vice-Mayor. Although there is a split on the Commission, that is not unusual and not necessarily harmful, as it forces both sides to explain and justify their positions and, therefore, hopefully arriving at the best decision for the citizens of the Village.

Because reducing the conflict between elected officials and Village staff will lead to an improved Village government, I recommend the Village engage a facilitator/ trainer/coach who will provide training on clear communication, conflict resolution techniques and organizational growth and development. The facilitator should receive a copy of this memo and have an opportunity to speak with all Commissioners, the Manager, Clerk and Department Heads to enable him to prepare targeted and appropriate training.

The City Attorney has had to devote considerable time to respond to inquiries regarding access to public records. Based on my review, all of the Village Attorney's adVice regarding public records has been accurate, as further confirmed by Robert Myers of the Miami-Dade Ethics Commission. Because this has taken up significant time of the Village Attorney, and because of the conflict over access to public records detailed in this memo, I recommend that the Village Attorney provide a training seminar of the Florida Public Records law and oversee development of a basic Village public records policy and flow chart so that Village staff, elected officials and the public understand what the law requires and to ensure clear, understood procedures needed to effectuate the law. Also, I recommend that there should be practical training so that Village officials understand how to confirm the accuracy and completeness of their responses to public records request.

Through the use of a facilitator to reduce interpersonal conflict and to improve clear communication, I am hopeful most of the underlying conflicts and difficulties which have given rise to the Manager's complaint, and the Vice-Mayor's concerns, can be resolved, and that elected officials, Village staff and Village citizens all will benefit from improved communication and serVice.

Based on the discussion at the December 7, 2010, meeting, the following changes were made to the draft legislation:

- 1. 11.6.1 added clarifying language;
- 2. 11.6.3(c) added the word "fencing";
- 3. 11.6.3(d) deleted the words "with a concrete cap"
- 4. 11.6.6 added language to address existing fences and walls

Immediately following the draft legislation are the questions/input from Commission and the responses based on the review of the Code Review Board.

ORDINANCE NO. 2011-00

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS AND AMENDING THE DEFINITION FOR HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6; ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Code Review Committee has provided suggested changes to the Village Land Development Code which address fences, walls and hedges; and

WHEREAS, the Village Commission is aware that citizens have had issues when attempting to locate corner side fences and certain fence materials on their property; and

WHEREAS, the Village Commission deems it to be in the best interests of the citizens of Biscayne Park to amend the Village's Land Development Code to add certain definitions and to address fences, walls, and hedges; now, therefore

BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Chapter 2 of the Village of Biscayne Park Land Development Code is hereby amended to read as follows:

* * *

2.2.26 F.S.: The abbreviation "F.S." shall mean the latest edition or supplement of the Florida Statutes.

2.2.26 Fence: An artificially constructed barrier, including gates, erected to enclose, screen or separate an area.

* * *

2.2.31 *Hedge:* A dense row of shrubs or low trees in excess of eight (8) feet in length which constitutes a barrier. A continuous planting of shrubs constituting a visual screen serving a function similar to a fence or wall.

* * *

- 2.2.70 Yard: An open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, except as otherwise permitted herein. A front, rear or side yard shall be defined as that open space adjoining a front, rear, or side lot line respectively.
- 2.2.71 Year: The word "year" shall mean a calendar year, unless otherwise specified.
- 2.2.71 Yard, corner side: The open space between the closest point of the principal building and the side line of the lot which abuts a street and extending from the front line of the building to the rear line of the building.
- Section 3. Chapter 11 of the Village of Biscayne Park Land Development Code is hereby amended to read as follows:

* * *

11.6 Fences, walls and hedges.

11.6.1 Location.

- (a) All fences and walls and hedges may be located within any yard including upon the property line thereof. No such wall, fence or hedge shall extend beyond an official right-of-way line.
- (b) When a fence, wall or hedge is placed on a property line, whether it be on an alley or a front corner side property line, at least forty (40) square feet, a minimum of four (4) feet deep, of open space must be left for the storage of trash.
- (c) All fences, walls, and hedges require a permit and approval by the Planning Board.

11.6.2 *Height*.

(a) The height of any hedge shall not exceed four (4) feet when located between the building and any paved street. When located between the building and other property lines, fences and walls shall not exceed six (6) feet in height, and hedges shall not exceed eight (8) feet in height.

- (b) The inside through lots on Northeast 11 Place from Northeast 119 Street to Northeast 121 Street shall be allowed the six-foot height from the building to and parallel to the rear property line.
- (c) The existing hedges on Lot 30, Block 23 of Biscayne Park Estates amended shall not be affected by the height requirement only for so long as the garbage and trash trucks are parked there. When the trucks are no longer allowed there, the hedges shall conform to all the provisions of this chapter.
- 11.6.3 Construction. Fences and walls may be constructed of aluminum, wood, concrete, chain link, ornamental metal, vinyl, composite material or wire, and shall be constructed so as to be non-climbable. Material to be approved by the Planning Board.
- (a) Wood fences shall be constructed according to the South-Florida Building Code.
- (b) Walls may be constructed of the following materials and must conform to the construction requirement of the South Florida Building Code.
- (i) Coral rock.
- (ii) Concrete block stuccoed on both sides with a concrete cap and combined with one (1) or more of the other construction materials listed in this subsection or ornamental wrought iron, ornamental aluminum, cast iron or cast aluminum or other stucco treatments designed to impact additional architectural interest.
- (iii) Slump brick.

- (e) Plans for fences shall be submitted with each application for building permit and must be so designed to be suitable and compatible with surrounding areas.

11.6.3 Construction.

- (a) Fences and walls shall be constructed in conformity with the Florida Building Code.
- (b) Plans for fences and walls must be submitted with each application for a building permit. All permits shall be reviewed by the Planning Board for suitability and compatibility with surrounding areas, for materials, and for consistency with this Chapter.

- (c) Fences may be constructed of any of the following materials: aluminum, wood, concrete, chain link, ornamental metal, vinyl, composite material or wire. Wire fences shall be of chain-link or diamond weave of heavy galvanized material or material of equal strength and have top rails. All posts shall be set in concrete so as to be secure and safe.
- (d) Walls may be constructed of any of the following materials: coral rock, concrete block, slump brick, used red bricks, limed red bricks, or cement bricks appropriately painted. Concrete block must be stuccoed on both sides with a concrete cap and combined with one or more of the other construction materials listed in this subsection or ornamental wrought iron, ornamental aluminum, cast iron or cast aluminum or other stucco treatments designed to impact additional architectural interest.
- (e) All parts of the fence or wall, including uprights, posts and vertical and horizontal and structural supports shall be on applicant's side of the fence or wall. No part of the fence or wall shall protrude into the adjacent property or public right-of-way.

11.6.4 Chain-link, wooden Fences, and walls prohibited in certain areas.

- (a) Chain-link, wooden Fences, and walls shall not be permitted when they extend farther toward the front street property line than the front corner of the building closest to the side property line. No fence in front as per standing code.
- (b) Fences and walls shall be permitted on corner side yards and shall be permitted to extend towards the corner side yard property line as long as they do not exceed a height of 4 feet, and only if granted approval by the Planning Board. Corner side yard fences shall not be permitted to extend into the front yard as defined above. Chain link is not permitted on corner side yards.
- (c) All fences that are existing at the time of adoption of Ordinance 244 (5, 1988) shall be allowed to remain until such time that they deteriorate.
- (d) Properties abutting the FEC corridor shall be permitted to erect a fence or wall up to eight (8) feet in height only on the side abutting the FEC corridor.
- 11.6.5 *Electric or barbed wire prohibited.* No fence shall be constructed with barbed wire and no fence charged with electricity shall be erected.
- Section 3. Severability. Should any section, provision, paragraph, sentence, clause of word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

Codification. It is the intention of the Village Commission of the Section 4. Village of Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention. Section 5. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict. Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption. The foregoing Ordinance was offered by Commissioner ______, who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows: The foregoing ordinance upon being put to a vote, the vote was as follows: Mayor Ross Roxanna Ross, Mayor Vice Mayor Bernard ____ Commissioner Anderson Commissioner Childress ____ Attest: Commission Cooper ____ Maria Camara, Village Clerk Approved as to form:

John J. Hearn, Village Attorney

village clerk

Subject: FW: Fence/Hedge Issues

Noted below are the responses from the Code Review Board at their January 4, 2011 meeting:

Maria C. Camara, Village Clerk

From: anderson11905@gmail.com [mailto:anderson11905@gmail.com] On Behalf Of Commissioner

Bob Anderson

Sent: Monday, December 13, 2010 10:00 AM

To: Village clerk; Archives **Subject:** Fence/Hedge Issues

Good Morning Maria

Here are my concerns regarding the "draft" ordinance that we discussed at the December meeting regarding fences, hedges, etc.

- 1. I would not like to see any height restrictions on hedges the key issue to me is that they are well maintained, trimmed and not a line of sight issue. Other than that it should be personal choice. Code Review: Covered in ordinance 8.4.1.b. Vote: 5-0 approved.
- 2. For those properties along the FEC tracks I strongly encourage allowing up to 10 ft. for fences or walls. Only those on the other side of the tracks would be able to see the fence or wall. The concern was raised that you would possibly have a variety of heights we have that now as you can have anything from 4 to 6 feet. People who live along this area need all the protection they can get and the extra couple of feet will help with sound deadening. Code Review: Recommend new ordinance at 11.6.2.d be changed to 10 foot height. Vote: 5-0 approved.
- 3. The blocks on 11th place between 121 and 119 allow for the interior properties to have 6ft fences or walls but not the 2 exterior lots. While I personally have no intention of increasing my fence someone else might want to and I don't understand treating the 2 corner lots differently. The back yards, fences, etc. are all equally visible whether interior or corner. Code Review: Recommend new ordinance at 11.6.2.c be changed to 6 foot. Vote: 5-0 approved. "The inside through lots as well as the corner lots on NE 11th place from NE 119th stsreet to NE 121st street shall be allowed the six-foot height along their rear property line."
- 4. I strongly encourage allowing 6ft fences or walls on all corner lots in the same location as is allowed for interior lots,. I do not think it fair to "punish" someone for buying a corner lot. I understand some situations might cause a sight issue and therefore not be allowed but I believe each corner lot has to be treated separately. I can tell you from personal experience (3 attempted break ins in 6 years) 4 ft is not enough for safety nor privacy. As for putting hedges around the 4ft fence or wall for greater privacy I don't see the difference between that and allowing the extra 2 ft of fence. By allowing the fence or wall to be 6ft at least the placement can be controlled through the permitting process. Code Review: Maintain as proposed at 4ft height. Vote: 5-0 approved.

Please E-Mail if you would like to be add or removed from this information list Village of Biscayne Park
Commissioner
Bob Anderson
E-Mail <u>BANDERSON@BISCAYNEPARKFL.GOV</u>
PH 305-899-8000

village clerk

Subject: FW: Code Review Board Meeting - Tuesday, December 14, 2010

Noted below are the responses from the Code Review Board at their January 4, 2011 meeting:

Maria C. Camara, Village Clerk

From: Steve Bernard [mailto:steve@stevebernardarchitect.com]

Sent: Tuesday, December 14, 2010 2:14 PM

To: villageclerk@biscayneparkfl.gov

Cc: agarcia@biscayneparkfl.gov; hartungpj@aol.com; vobparchives@biscayneparkfl.gov

Subject: Re: Code Review Board Meeting - Tuesday, December 14, 2010

Maria,

Thanks for the reminder, although I'm sure that Gage understood our comments, I'll put them in writing for their discussion, and have added a few minor items as well:

- 1. Because front yard fences/walls are not allowed, but are possible via a Variance process, it might be helpful to set some parameters/guidelines, so that the expectation of what might be allowed is understood by a Resident, and so that once built, they can follow neighboring aesthetics. Code Review: We do not feel that we should establish guidelines for something that is not allowed. Vote: 5-0 approved.
- 2. The ability for having a low (3', perhaps) picket fence or wall in front yards that can serve to set a boundary (to keep kids and pets out of front yards) might be both visually interesting and provide some security. Code Review: Board discussed at length and decided not to change and include this in the ordinance. Vote: 5-0 approved.
- 3. The ability to have a stand alone gate in a front yard can add visual interest and a 'sense of place' for visitors. Code Review: Board discussed at length and decided not to change and include this in the ordinance. Vote: 5-0 approved.
- 4. An unlimited hedge height could mean unreasonable heights can be attained, and can be a burden to a neighbor. Separating ficus hedges from other "hedges" can allow for this. If ficus hedge height are to be limited, Section 11.6.2 (e) hgt of hedges at PW should stay in. Code Review: There are many different hedge types of plants and limiting one type does not preclude the height of another plant type. Vote: 5-0 approved.
- 5. Section 11.6.1 (a) has always seemed confused, and now's a good time to remove... it states that "All fences, walls and hedges may be located within any yard..." The issue is that there are locations where fences and walls are not allowed, and stating that they 'may be located within any yard' could allow them. Code Review: Qualifications limiting location are existing in the rest of the ordinance. Vote: 5-0 approved.
- 6. Clarification about existing walls & fences, and how they must be removed once deteriorated, with no work more than 50% allowed. Code Review: Recommend new ordinance at 11.6.6 be changed with the addition of "Any fence or wall damaged or in disrepair to the extent of more than fifty (50) percent of length must be removed in its entirety." Vote: 5-0 approved.
- 7. Has allowing new chainlink only if it's coated been discussed? It looks better and lasts longer. Code Review: Board discussed and decided no change, coating has limited life and cannot be maintained. Vote: 5-0 approved.
- 8. Finally, we discussed that a 'side corner yard', in some configurations might be considered a

'front corner yard', depending on the configuration of the lot, placement of the front door, and address, and we should have some flexibility to allow the fences/walls being considered. Code Review: Should be determined by Planning board. Vote: 5-0 approved.

Thank you very much,

Steve Bernard Commissioner

From: village clerk <villageclerk@biscayneparkfl.gov>

To: villageclerk@biscayneparkfl.gov

Cc: agarcia@biscayneparkfl.gov; hartungpj@aol.com

Sent: Mon, December 13, 2010 1:53:29 PM

Subject: Code Review Board Meeting - Tuesday, December 14, 2010

Tomorrow night Code Review will be meeting for their regular meeting at 7:00PM at the Ed Burke Recreation Center.

As was discussed at last week's Commission meeting, each Commissioner would submit to me their comments/questions/input to the draft legislation on fences, hedges and corner lots. If you have not already done so, please provide to me at your earliest convenience so that I can forward it to the board for their review prior to tomorrow night's meeting.

Thank you!

Maria C. Camara, Village Clerk Village of Biscayne Park 640 NE 114th Street Biscayne Park, FL 33161 Tel: 305 899 8000, Ext. 201 email: villageclerk@biscayneparkfl.gov

village clerk

Subject: FW: Code Review Board Meeting

Noted below are the responses from the Code Review Board at their January 4, 2011 meeting:

Maria C. Camara, Village Clerk

From: Bryan Cooper [mailto:bryancooper7@yahoo.com]

Sent: Monday, December 27, 2010 7:22 PM

To: villageclerk@biscayneparkfl.gov **Subject:** Re: Code Review Board Meeting

Thank you. Although I believe Gage made his view clear, it would help me to understand:

- 1) why the Code Review Committee as a whole was disposed to not allow residents to tastefully fence their front yards, as Miami Shores and Coral Gables allow. Code Review: Was discussed at length and board felt no were needed Reasons discussed, the difficulty in regulating the aesthetics of such fences, gates and the desire to maintain open front yards. Vote: 5-0 approved.
- 2) Whether the vote regarding not allowing fences in the front yard was close/divided, or unanimous, on preventing residents to put fences or gates in the front yard (non-corner lots). Code Review: See minutes. Feb 24, 2009 and March 10, 2009. Several votes on topic (2) unanimous, (1) 6-2, (1) 7-1, (1) 3-5 vote. Vote: 5-0 approved.
- 3) Why a "gate" is considered a "fence", when clearly a gate can and does exist throughout our Village as unique architectural features that are not attached to fences necessarily...but can be part of hedges that are allowed in front yards. Code Review: Legally a gate is defined as a fence. Vote: 5-0 approved.

Bryan

From: village clerk <villageclerk@biscayneparkfl.gov>

To: villageclerk@biscayneparkfl.gov **Cc:** agarcia@biscayneparkfl.gov

Sent: Mon, December 27, 2010 10:46:12 AM

Subject: Code Review Board Meeting

The Code Review Board has re-scheduled their next meeting for Tuesday, January 4th, at 7:00PM.

On their agenda is the discussion of the draft legislation on fencing/hedges. As discussed at the last regular commission meeting, if you have any comments/questions on that draft legislation, please forward it to me so that I can compile it and forward it to the board for their review. If you have already submitted, thanks.

Thank you!

Maria C. Camara, Village Clerk Village of Biscayne Park 640 NE 114th Street Biscayne Park, FL 33161 Tel: 305 899 8000, Ext. 201 email: villageclerk@biscayneparkfl.gov

village clerk

From: hartungpj@aol.com

Sent: Wednesday, January 05, 2011 9:05 PM

To: villageclerk@biscayneparkfl.gov; attyhearn@aol.com

Subject: Code Review Meeting answers to questions

Hi Maria and John,

Below are the Code Boards answers to the questions presented to them by the commissioners. You will need to cross reference to the original emails. Also we made a few changes to the ordinance as noted below.

Question Vote on answer by board

Commissioner Anderson.

1. Covered in ordinance 8.4.1.b vote 5-0 approved

2. Recommend new ordinance at 11.6.2.d be changed to 10 foot height vote 5-0 approved

3. Recommend new ordinance at 11.6.2.c be changed to: vote 5-0 approved

"The inside through lots as well as the corner lots on NE 11 place from NE 119 street to NE 121 street shall be allowed the six-foot height along their rear property line."

4. Maintain as proposed at 4ft height. vote 5-0 approved

Commissioner Bernard.

- 1. We do not feel that we should establish guidelines for something that is not allowed, vote 5-0 approved
- 2. Board discussed at length and decided not to change and include this in the ordinance. . vote 5-0 approved
- 3. Board discussed at length and decided not to change and include this in the ordinance. vote 5-0 approved
- 4. There are many different hedge types of plants and limiting one type does not preclude the height of another plant type. vote 5-0 approved
- 5. Qualifications limiting location are existing in the rest of the ordinance, vote 5-0 approved
- 6. Recommend new ordinance at 11.6.6 be changed with the addition of: vote 5-0 approved "Any fence or wall damaged or in disrepair to the extent of more than (50) percent of length must be removed in its entirety"
- 7. Board discussed and decided no change, coating has limited life and cannot be maintained. vote 5-0 approved
- 8. Should be determined by Planning board, vote 5-0 approved

Commissioner Cooper.

- 1. Was discussed at length and the board felt no were needed. Reasons discussed, the difficulty in regulating the asthetics of such fences, gates and the desire to maintain open front yards. vote 5-0 approved
- 2. See minutes. Feb 24, 2009 and March 10, 2009. Several votes on topic (2) Unanimous, (1) 6-2, (1) 7-1, (1) 3-5 vote 5-0 approved
- 3. Legally a gate is defined as a fence. vote 5-0 approved

Please review and let me know if you have any questions.

Thank you,

Gage Hartung

Date of Last Update: Committees and Boards

12/9/2010

Members shaded in grey need to be re-appointed.

PLANNING & ZONING

Meets the 1st and 3rd Monday at 6:30PM

Member	Appointed By	Comment
Gage Hartung	Childress	
Barbara Watts	Cooper	
Andrew Olis	Bernard	
Doug Tannehill	Ross	
Elizabeth Hornbuckle	Anderson	
Mario Rumiano		< Alternate >
Carl Bickel		< Alternate >
Fred Jonas	Ross	Resigned.

Code Enforcement

Meets the 3rd Tuesday at 7:00PM

	II. D.	Т	
	Harvey Bilt	Anderson	
2	Dale Blanton	Bernard	
	David Coviello	Childress	
4	Carmen DiBernardi	Ross	
5	Dario Salazar	Cooper	
	Kelli Rumiano	Anderson	< Alternate >
7	Milt Hunter	Anderson	< Alternate >
	Victor Cannon	Cooper	Resigned.
	Ray Irizzary	Ross	Resigned.

Code Review

Meets the 2nd & 4th Tuesday at 7:00PM

1	Gage Hartung	Auto from P&Z	
2	Andrew Olis	Auto from P&Z	
3	Gary Kuhl	Anderson	
4	Dale Blanton	Auto from Code Enf	
5	David Coviello	Auto from Code Enf	
6	Carmen DiBernardi	Auto from Code Enf	
7	Kelli Romano	Auto from Code Enf	
8	Judi Hamelburg	Bernard	
	Ray Irizzary	Auto from Code Enf	Resigned
	Fred Jonas	Auto from P&Z	Resigned
	Harvey Bilt	Auto from Code Enf	Resigned, but remains on Code Enf.
	Milt Hunter	Auto from Code Enf	Resigned, but remains on Code Enf.
	Victor Cannon	Auto from Code Enf	Resigned

Recreation Advisory Board

Meets the 2nd Wednesday at 6:30PM

1	James Murphy	Bernard	
2	John Holland	Cooper	
3	Helga Silva	Ross	
4	Rachel O'Conner		Previous alternate that replaced Vicki O'Brien.
5		Anderson	Pending new appointment.
	Ron Gwynn	Anderson	Resigned
	Vicki Mallette O'Brien	Childress	Resigned.

Parks & Parkway Advisory Board

Meets the 3rd Wednesday at 6:00PM

Dan Keys	Anderson	
2 Barbara Kuhl	Childress	
3 Randy Wagoner	Ross	
John Zoeller	Bernard	
5	Cooper	Pending new appointment or selection of alternate.
6 Lynn Fisher		< Alternate >
7 Mary Ann Jones		< Alternate >
David Tunnel	Cooper	Resigned.
Anne Marie Jonckheer	Bernard	Resigned.
Barbara Kiers	Cooper	Resigned.
Jane Ansley		Resigned. (Alternate)

Ecology Board

Meets the 3rd Thursday at 6:30PM

1	Victor Romano	Anderson	
2	Matt Davis	Bernard	
3	Art Pyle	Childress	
4	Tom Pliske	Cooper	
5	Tracy Truppman	Ross	
6	Linda Carrington		< Alternate >
	Linda Domin		Will participate on special projects only.



Moved from 12/7/2010 Meeting

Date: 11/29/10

To:

Clerk Maria Camara

From: Commissioner Steve Bernard

Re: November Agenda Item

REQUEST:

A **DISCUSSION** OF: New shade tree at Recreation Center

BACKGROUND AND ANALYSIS:

Due to the previous removal of a large shade tree at the park, a group of 30 residents have donated enough money to install one large oak tree and associated irrigation.

Tree specs, warranty and photo will be provided prior to the 12/7/10 Commission Meeting.

FISCAL/BUDGETARY IMPACT:

None, all costs are covered by donation.

RECOMMENDATION: Approve

village clerk

From: Steve Bernard [steve@stevebernardarchitect.com]

Sent: Tuesday, December 07, 2010 11:51 AM

To: villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; attyhearn@aol.com

Cc: vobparchives@biscayneparkfl.gov; Mark; Rob Pushkin

Subject: Shade tree at Rec Center

Ana,

Attached is the final proposal for the shade tree, along with some photos that were just taken for tonight's meeting.

The work includes delivery, installation as per FNGLA (Florida Nursery Growers & Landscape Association) guidelines, and irrigation (tied to the existing sprinkler pump nearby) that will water the tree 3 to 5 times a day, as well as a one year warranty. The tree has already been root pruned, and can be installed prior to December 18th Winterfest

As per your direction, I discussed this specific tree with Mr. Mark Torok, Senior Forester, Florida Division of Forestry, and he came to the conclusion that this size tree (+/-25' high, caliper between 8" and 10", about a 15' spread) is an approved species and size, provided that proper installation (the tree will also be installed by an arborist) and irrigation is used, and that a Warranty is included. I am copying him on this email, so that he can see the final tree to be installed and contact me with any questions or concerns.

As you know, both the Recreation Advisory Board and Parks & Parkway Board have previously approved the concept of a large shade tree, but the chosen species was the sticking point to be agreed to, with a live oak always being preferred. My attempts to relocate an existing tree either from the Village or nearby communities could never be agreed upon, and I believe that creating "instant shade" with a hardy species will give us the best result for much needed natural shade for many years to come.

I hope that you will recommend that this donation be accepted by the Village as per our many previous conversations, and assuming this is approved tonight, I'll notify the 37 Residents who contributed their time and money about having a small ceremony at Winterfest,

Please distribute to the Commission prior to the meeting, so that they can review.

Sincerely,

Steve Bernard Commissioner Village of Biscayne Park 305-538-6324 (I don't have my cell phone today)

cc Mark Torok, Forestry Division of Forestry (954) 475-4194 Rob Pushkin, Reliable Property Services (305) 866-9625

---- Forwarded Message ----

From: Rob Pushkin <robpushkin@rpsfl.com>

To: Steve Bernard <steve@stevebernardarchitect.com>

Sent: Tue, December 7, 2010 6:49:20 AM

Subject: Shade Tree Proposal

Thank You,

Rob Pushkin

Reliable Property Services
Irrigation Landscape Maintenance Lighting

305.866.9625

www.rpsfl.com www.lightscapingusa.com

Estimate

Date	Estimate #
12/7/2010	10210

Name / Address		
Village of Biscayne park	_	

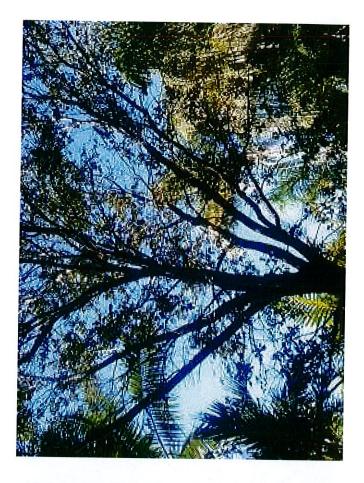
P.O. No. Project

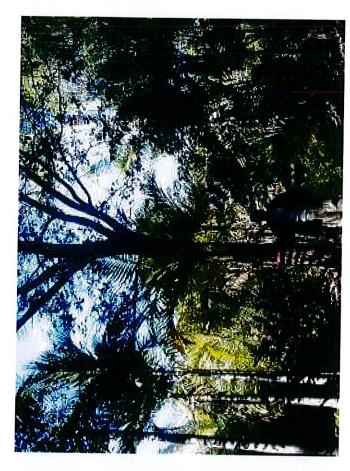
Qty	Rate	Total
-		
1	2,200.00	2,200.00
i		
	Qty 1	

Total \$2,200.00

Phone #	
305.866.9625	

E-mail	Web Site
robpushkin@rpsfl.com	rpsfl.com & lightscapingusa.com









ACCEPTANCE OF GIFT

WHEREAS, numerous residents of the Village of Biscayne Park (hereinafter the "Residents"), wish to donate a sum of currency not to exceed two thousand two hundred and xx/100 dollars (\$2,200.00) to the Village of Biscayne Park (hereinafter the "Village") for the purchase and installation of an Oak tree as well as the associated irrigation; and

WHEREAS, the Village this day expresses its gratitude and acknowledges receipt from the Residents of a gift of currency not to exceed two thousand two hundred and xx/100 dollars (\$2,200.00) for the purchase and installation of an Oak tree as well as the associated irrigation; now, therefore:

- 1. It is the intention of the Residents to vest all incidents of absolute ownership and liability in said currency in the Village from this date forward.
- 2. The Village does hereby release and hold the Residents harmless and waive all claims against the Residents, its agents, officers and employees, from all claims, actions, and causes of action, damages, losses and liabilities, costs, or expenses whatsoever, arising out of the donation of the Oak tree and its associated irrigation.

Dated this day of _	, 2010.
ATTEST:	
Maria Camara, Village Clerk	Roxanne Ross, Mayor
State of Florida	
County of Dade	
Public of the State of Florida, pers	December, 2010, before me, the undersigned Notary conally appeared, whose name nent, and they acknowledge that they executed it.
WITNESS my hand and official seal	
	Notary Public, State of Florida
	Persons signing are personally known

village clerk

From: ecotilt (ecotilt@bellsouth.net)

Sent: Saturday, December 18, 2010 5:04 PM

To: villagemanager@biscayneparkfl.gov

Cc: village clerk

Subject: Ecology Board Motion Regarding the Donation by the Bernards and Residents - Oak Tree for the

Recreation Center

Dear Ms. Garcia,

Thank you for attending our last meeting and working with the Ecology Board. Below is a copy of the motion that was passed regarding the donation by the Bernard's and other residents to purchase shade trees for the Ed Burke Recreation Center. Please forward this email to all the Commissioners prior to January's meeting.

This is the motion that carried unanimously: We are grateful to all the resident and the Bernard's for raising monies to assist with canopy enhancements and choosing native vegetation. It is a recommendation of the board that the monies be spent on a variety of native species that aesthetically enhance and increase the native biodiversity of the park, green spaces, or entry ways.

The members expressed consensus that with these funds, the Village could obtain many large native trees specimens and recommend considering additional native species such as mahogany, pigeon plum, etc., which can be used to enhance the recreation center and/or other green spaces.

Thank you.

Respectfully,

Tracy Truppman

Ecology Board Chairperson

ROBERT D. SOLOFF, P.A.

7805 S.W. 6™ COURT PLANTATION, FLORIDA 33324

ROBERT D, SOLOFF BOARD CERTIFIED LABOR & EMPLOYMENT LAW

TELEPHONE (954) 472-0002 FAOSIMILE (954) 472-0052 E-MAIL: SOLOFFFAGEELLSOUTH.NET

November 12, 2010

John J. Hearn, Esquire Village of Biscayne Park 640 N.E. 114th Street Biscayne Park, Florida 33161

RE: Invoice for Legal Services Rendered

Dear John:

Enclosed please find my firm's Invoice for legal services rendered from August through October, 2010 for my firm's investigation of the Village Manager's complaint regarding Vice-Mayor Cooper.

As you reflect on the Invoice, I have adjusted the amount due to the flat fee amount of \$5,000.00 as previously agreed.

If you have any questions, please contact me.

Sincerely,

Robert D. Soloff

RDS/ksr

Enclosure

ROBERT D. SOLOFF, P.A.

7805 S.W. 6™ COURT PLANTATION, FLORIDA 33324

ROBERT D. SOLOFF BOARD CERTIFIED LABOR & EMPLOYMENT LAW

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November 1, 2010

John J. Hearn, Esquire Village of Biscayne Park 640 N.E. 114th Street Biscayne Park FL 33161

FOR LEGAL SERVICES RENDERED AUGUST 1 through OCTOBER 31, 2010

	ROBERT D. SOLOFF, ESQUIRE \$200.00 PER H	OUR
DATE	DESCRIPTION	ТІМЕ
		Hours Amount
8/10/2010	Telephone conference with J. Hearn re: Village Manager Complaint, Village background and needed investigation.	0.40
	Review Village Charter and Officials; review web page re: Village; and review e-mails from and regarding Village Manager Complaint of Vice-Mayor Cooper.	0.60
8/11/2010	Telephone conference with J. Hearn re: investigation regarding Village Manager Complaint and review e-mail to Commissioners confirming investigation.	0.30
8/12/2010	Review e-mail from J. Hearn and e-mails from and to Vice-Mayor Cooper re: investigation.	0.10
8/18/2010	Telephone conference with Village Manager to schedule meeting.	0.10
8/25/2010	Travel to Village Hall; Conference with Village Manager re: background, issues and complaint re: Vice-Mayor Cooper; Conference with City Clerk re: background and issues regarding Complaint by Village Manager.	3.70
8/26/2010	Telephone conference with J. Hearn re: meetings with Village Manager and Clerk; timing and additional e-mails	0.40

	****	Hours	Amount
8/26/2010	Review e-mails from Vice-Mayor Cooper re: investigation and issues with Village Manager.	0.30	
	Review e-mail (stream) from Commissioner Bernard re: August 2, 2010 e-mail.	0.60	
	Draft e-mail to Vice Mayor Cooper re: scheduling meeting.	0.10	
8/28/2010	Review J. Hearn e-mail to Vice-Mayor Cooper re: scope of investigation and Village Manager Evaluation.	0.10	
8/30/2010	Review e-mail from J. Hearn to Vice-Mayor Cooper and review prior e-mails to Vice-Mayor Cooper re: Village Manager issues.	0.20	
	Review e-mail from Vice-Mayor Cooper to schedule meeting (no charge).		
9/2/2010	Telephone conference with J. Hearn re: investigation status and scope.	0.30	
	Draft e-mail to Vice Mayor Cooper re: scheduling meeting for investigation.	0.10	
9/8/2010	Review e-mail from Vice-Mayor Cooper re: scheduling meeting (no charge).		
9/13/2010	Review e-mail from Vice Mayor Cooper and draft e-mail in response recontact and scheduling meeting for investigation.	0.10	
9/14/2010	Review e-mail from J. Hearn re: Manager evaluation issue.	0.10	
9/17/2010	Review file re: Complaint and Village Manager allegations; travel to and from FIU (North Campus); attend conference with Vice-Mayor Cooper re; investigation process, responses to Village Manager allegations, additional background and other information regarding Village Manager.	4.00 ,	
9/20/2010	Review e-mails (2) from Vice-Mayor Cooper re: Village Manager e-mail, Sunshine and Commissioner research issues.	0.30	
	Review e-mail from Village Clerk and review documents re: ARRA Grant and review documents regarding Vice-Mayor Cooper's request for records.	1.50	
9/21/2010	Telephone conference with J. Hearn re: status of investigation.	0.20	
9/27/2010	Review e-mails from Village Manager re: ARRA Grant and Vice-Mayor Cooper's requests.	0.20	
9/28/2010	Review documents and e-mails from Village Manager re: Complaint allegations.	1.20	
10/10/2010	Review e-mail from Vice-Mayor Cooper re: Village Manager Evaluation by Commissioner Bernard (no charge).		
10/14/2010	Review Charter, relevant e-mails and documents; organize e-mails by chronology and issues; and draft Investigative Report.	4.00	

		Hour	s Amount
10/14/2010	Telephone conference with M. Manso re: employment history, contractor status, e-mail Complaint to Commissioners, Village Manager issues and meetings with Commissioners.	1.00	
	Draft e-mail to Vice-Mayor Cooper re: investigation and documents to be provided.	0.20	
10/15/2010	Draft Investigative Report.	1.50	
10/18/2010	Telephone conference with J. Hearn; review Commissioner Bernard's Village Manager Evaluation; and draft e-mail to advise Vice-Mayor Cooper.	0.70	
	Telephone conference with Assistant County Attorney re: need to speak with L. Fain and explain investigation.	0.30	
	Draft Investigative Report.	3.50	
10/19/2010	Draft Investigative Report.	4.00	
	Telephone conference with Vice-Mayor Cooper; draft e-mail to Vice-Mayor Cooper in response; and telephone conference (2nd) with Vice-Mayor Cooper re: additional issues in investigation.	0.80	
	Review e-mails (8) from Vice-Mayor Cooper, 3 Time Sheets of Village Manager, and Village Manager Evaluation Form.	0.50	
10/20/2010	Draft Investigative Report.	4.70	
	Telephone conference with L. Fain re: allegations in Village Manager Complaint.	0.40	
10/21/2010	Revise Investigative Report to Final; draft e-mail transmitting to J. Hearn; and telephone conference with J. Hearn.	1.00	
	Prepare Exhibits to Investigative Report and draft e-mails transmitting to J. Hearn.	0.20	
	For professional services rendered	37.70	\$7,540.00
10/31/2010	Write-Off - Flat Fee previously agreed to.	07.70	(\$2,540.00)
	Total payments and adjustments		(\$2,540.00)
E	Balance due		\$5,000.00

DATE:

January 6, 2011

TO:

Roxanna Ross, Mayor Bryan Cooper, Vice Mayor

Robert "Bob" Anderson, Commissioner

Steve Bernard, Commissioner Al Childress, Commissioner

FROM:

Michael Arciola, Finance Director /

VIA:

Ana Garcia, Village Manager

SUBJECT: Monthly Report - December 2010

Attached are the monthly financial reports for the Quarter Ended December 31, 2010 representing 25% of the Fiscal Year for the following: General Fund (Fund 001), Road Fund (Fund 101), CITT Fund (Fund 103), Capital Projects Fund (Fund 302) and the Sanitation Fund (Fund 402). Each Fund has a Balance Sheet and a Budget Comparison Statement. The Budget Comparison Statement shows actual revenues and expenditures for the current month, year to date and the Annual Budget. The annual budget column, the last column on the right, will always reflect the approved annual budget.

My monthly report will provide information of interest and will only address areas of financial or budget concerns. Requests for additional information or questions about the monthly report should be sent to me preferably by email with a copy to the Village Manager.

The Road Fund (101), Police Forfeiture Fund (105) and Sanitation (Fund) are basically complete and ready for audit. The Capital Projects Fund (601/302) and the CITT Fund (301/103) are 90% complete and should be 100% completed by the end of next week. The General Fund (001) is approximately 70% completed and should be 100% completed by the end of January. I expect the Village Auditors to begin their audit work during the first or second week of February and should be substantially finished by the end of the month of February.

Balance Sheet Reports:

All of the current Balance Sheets show a Fund Balance or Retained Earnings to date. This number includes the unaudited balance carried forward from the 2010 Fiscal Year, plus the revenues less the expenditures of the current fiscal year. All operating Funds show positive surpluses/reserves. Our cash position is strong due to the distribution of property tax revenue from Miami-Dade County.

Revenues:

Revenues are being received as expected. There is nothing out of the ordinary to report.

Expenditures:

Year to date expenditures for every Fund is equal to or less than the 25% benchmark for the end of the first quarter. In the General Fund, Code Enforcement is over budget as a percentage to date. They have spent 43% of their budget when they should be at 25%. The reason for this was the payout of a long term employee's accrued benefits when she retired. I will be processing a journal entry to charge the leave payout to the correct balance sheet accounts once the 2010 fiscal year audit is completed. This will bring the department budget back under budget.

Other Items of Interest:

We have been making progress in the Finance Department since I was hired in May, 2010. I do not believe that anyone knew the extent of the backlog of work that was left uncompleted and we have diligently worked hard in catching up this backlog. The following is a summary of some major items that we have completed during the past seven months:

- Upon being hired in mid May, 2010 we immediately began the Budget process for fiscal year 2011. This included developing budget instructions, forms, calendar and numerous meeting with the administration and staff. It was during this process that I learned about the backlog of accounting work.
- Reconciled 12 months of bank statements for 10 different bank accounts. We have only one more bank account to reconcile. All bank statement reconciliations are up to date.
- Prepared and filed 3 quarters of Federal 941 reports that were not filed.
- Prepared and filed 3 quarters of State UCT-6 reports that were not filed. The State has now informed me that the UCT-6 reports for the year 2004 have never been filed.
- Completed the on line filing of the Annual Financial Report with the State.
- Completed and filed 3 quarters of State Fuel Tax Rebate reports.
- Reconciled and corrected the Balance Sheet accounts for Funds, 101, 103, 105, and 402 in preparation for the annual audit.
- Reconciled and corrected 10 Balance Sheet accounts of the General Fund, 15 accounts remain to be reconciled.
- Completed a software conversion from the HTE accounting system to the YARDI accounting system. This will save the Village approximately \$15,000 a year.
- Completed a payroll conversion to a professional payroll processor. This eliminated late reports, incorrect tax payments and reports not being filed. The payroll company files all 941 and UCT-6 reports.
- Implemented the State mandated Uniform Accounting System. This required correcting two funds that were numbered incorrectly and many account numbers that were not set up correctly.
- In seven months I have prepared and processed over 205 journal entries to record unrecorded items and correct accounts.
- Have filed many quarterly reports with different agencies, i.e. CITT, Federal Treasury.

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Village of Biscayne Park Fund 001 - General Fund - (fund001) December 2010

ACCETO	
ASSETS Cash-General Operating Account	070 000 00
Petty Cash	272,600.50
Equity in Pooled Cash	300.00
Accounts Receivable	413,913.87 1,750.00
Accts Rec - Waste Fees Prior Yrs	120,526.65
Transfer to Sanitation Fund	131,525.49
Accounts Receivable-FYE Accruals	-46,282.50
Accts Rec - AFLAC	2,665.68
Accts Rec - Health Insurance	16,560.75
Accts Rec - Life & Dental	-4,125.63
Accts Rec - Other Due from Forfeiture Fund	41,438.53
Due from Stormwater Fund	74,102.95
Due from Sanitation Fund	25.00
Due from Other Government Units	8,917.00
Inventory - Gasoline	905.27 7,975.94
Inventory - Diesel Fuel	3,293.37
Investments - State Pool	8,353.64
Investments - Money Market	761,130.41
Prepaid Items	34,562.15
PROPERTY	
TOTAL ASSETS	4 507 000 00
107/127/100210	1,587,088.09
LIABILITIES & FUND BALANCES	
Accounts Payable	-7.18
Accounts Payable - Other	3,269.10
Accrued Accounts Payable	-2,434.97
Credit Union Payable	365.00
Union Dues Payable - PAT	84.18
Union Dues Payable - PBA	394.45
FRS Pension Payable Garnishments Payable	15,838.99
Due to Road Fund	553.84
Due to Capital Projects Fund	24,134.90 250.00
Due to Sanitation Fund	55,486.09
Wages Payable	-125.73
Accrued Wages Payable	12,778.19
Taxes Payable	1,587.88
Accrued Taxes Payable	1,046.38
County Permit Surcharge	386.20
Education & Training Surcharge State Permit Surcharge	99.00
DCA Radon Gas Payable	-32.70
TOTAL LIABILITIES	6.34
	113,679.96
FUND BALANCES Fund Balance - Unreserved	1,473,408.13
TOTAL LIABILITIES & FUND BALANCES	
TOTAL LIABILITIES & FUND BALANCES	<u>-1,473,408.13</u>
10 11 12 EN PIETITEO & LOUID DYFWINGEO	-1,587,088.09

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTD Budget	\$ Var.	<u>% Var.</u>	Annual
REVENUES									
Ad Valorem Taxes Discounts on Ad Valorem Taxes	864,579.57 -43,578.04	840,000.00 -29,521.00	24,579.57 -14,057.04				21,207.40 -13,922.19		1,182,565.00 -32,521.00
UTILITY SERVICE TAXES	10,010.0	20,021.00	11,001.04	47.02	-40,440.10	-02 ₁ 021.00	-10,322.18	*4Z.01	402,021.00
Electric Utility Tax Water Utility Tax	10,551.64	10,800.00	-248.36		,		-871.50		
Gas/Propane Utility Tax	0.00 764.90	0.00 600.00	0.00 164.90	0 27.48			0.00 526.29	0 43.86	
Communications Service Tax	0.00	12,517.00	-12,517.00	-100.0	11,699.05	•	-13,334.95		
BUILDING PERMITS Building Permits	2 422 00	E 440 00	0.000.00	10.45	45 700 00	10.010.00			
Electrical Permits	3,133.00 300.00	5,416.00 750.00	-2,283.00 -450.00				-482.00 -689.00		,
Plumbing Permits	850.00	1,166.00	-316.00	-27.10	2,190.00	3,498.00	-1,308.00		-,
A/C Mechanical Painting Permits	1,150.00 60.00	416.00 166.00		176.4	.,			48.64	
Garage Sale Permit	60.00	83.00	-106.00 -23.00	-03.00	280.00 180.00	498.00 249.00	-218.00 -69.00	-43.78 -27.71	2,000.00 1,000.00
Plan Review	0.00	100.00	-100.00				-100.00		
Permit Admin/Application Fee	500.00	1,250.00	-750.00				-1,910.00		
Contractor Registration	340.00	1,000.00	-660.00	-66.00	900.00	2,000.00	-1,100.00	-55.00	2,000.00
FRANCHISE FEES	40 457 40	10.017.00	450.07		(0.455.10				
Electric Franchise Fee Gas/Propane Franchise Fee	10,457.13 0.00	10,917.00 400.00	-459.87 -400.00		10,457.13 0.00	21,834.00 800.00	-11,376.87 -800.00		131,000.00 4,800.00
OTHER PERMITS & FEES								, 55.5	1,500.00
Home Occupation Fee	0.00	50.00	-50.00	-100.0	0.00	150.00	-150.00	-100.0	800.00
Home Re-Occupancy Fee	450.00	150.00		200.0	800.00	450.00	350.00		2,000.00
Variance Application Fee Local Home Business Fee	0.00 0.00	125.00	-125.00		324.00	375.00		-13.60	1,500.00
Landlord Permit Fee	150.00	0.00 125.00	0.00 25.00	0 20.00		0.00 375.00	0.00 -175.00	0 -46.67	500.00 1,500.00
Fuel Tax Refund	0.00	600.00	-600.00		0.00	600.00	-600.00		2,400.00
STATE SHARED REVENUES:									
State Revenue Sharing	4,790.76	5,175.00	-384.24		9,581.52	10,350.00	-768.48		62,104.00
Half-Cent Sales Tax	14,125.10	15,829.00	-1,703.90	-10.76	29,687.25	31,658.00	-1,970.75	-6.23	189,947.00
COUNTY SHARED REVENUES:	0.00	500.00	500.00	400.0					
Business Occupational Licenses	0.00	500.00	-500.00	-100.0	0.00	3,500.00	-3,500.00	-100.0	3,500.00
PARKS & RECREATION FEES	0.00	400.00	400.00						
Program Fees Concession Sales	0.00 0.00	400.00 583.00	-400.00 -583.00		2,176.40 96.00	1,300.00 1,749.00	876.40 -1,653.00		5,000.00 7,000.00
Facility Rental	0.00	0.00	0.00	0	784.00	0.00	784.00	-94.51	0.00
Other Fees	0.00	1,000.00	-1,000.00	-100.0	149,99	3,000.00	-2,850.01		12,000.00
OTHER CHARGES FOR SERVICES									
Admin Fee-Road Fund Admin Fee - Sanitation Fund	0.00 0.00	0.00 0.00	0.00	0	0.00	3,550.00	-3,550.00		14,146.00
Admin Fee - PW Direct Charge	0.00	0.00	0.00 0.00	0 0	0.00 0.00	14,500.00 24,500.00	-14,500.00 -24,500.00		57,794.00 98,340.00
JUDGEMENTS & FINES						·			,
Traffic Fines	2,265.55	3,300.00	-1,034.45	-31.35	4,343.05	9,900.00	-5,556.95	-56.13	40,000.00
Code Enforcement Fines	175.00	2,200.00	-2,025.00	-92.05	5,960.00	6,300.00	-340.00		25,000.00
MISCELLANEOUS REVENUES;									
Interest Earnings Miscellaneous Other	0.00	500.00	-500.00		126.01	1,500.00	-1,373.99		6,000.00
Lien Search and Copies	600.68 395.00	500.00 420.00	100.68 -25.00	-5.95	805.68 1,468.75	1,500.00 1,240.00	-694.32 228.75		6,000.00 5,000.00
Dividend Earnings	50.00	250.00	-200.00		200.00	750.00	-550.00		3,000.00
Prior Yr Expenditure Reimbursement	0.00	0.00	0.00	0	1,427.20	0.00	1,427.20	0	0.00
Sale of Surplus Materials or Scrap	0.00	1,500.00	-1,500.00	-100.0	0.00	1,500.00	-1,500.00	-100.0	1,500.00
TOTAL REVENUES	872,170.29	889,267.00	-17,096.71	-1.92	1,017,077.03	1,101,535.00	-84,457.97	-7.67	2,257,080.00
EXPENDITURES/EXPENSES:									
VIII LAGE OCCUPATION									
VILLAGE COMMISSION: Executive Salaries	0.00	0.00	0.00	^	0.00	0.000.00	A AAA	400 -	46.55
EUGOORAG GAIGHES	0.00	0.00	0.00	0	0.00	3,000.00	3,000.00	100.0	12,000.00

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTD Budget	\$ Var.	% Var.	Annual
FICA Taxes & Medicare	0.00	0.00	0.00	0	0.00	230.00	230.00	100.0	918.00
Workers' Compensation Ins.	10.00	0.00	-10.00	0	10.00	0.00	-10.00		0.00
Travel & Per Diem	0.00	152.00		100.0	0.00	456.00		100.0	1,825.00
Insurance - Liability Printing & Binding	18.00 0.00	0.00 21.00	-18.00 21.00	0 100.0	18.00 0.00	0.00 61.00	-18.00	0 100.0	0.00 250.00
Special Events	0.00	250.00		100.0	421.26	750.00	328.74		3.000.00
Memberships, Dues & Subscriptions	130.00	139.00	9.00	6.47	750.00	419.00	-331.00		1,670.00
TOTAL COMMISSION	158.00	562.00		71.89	1,199.26	4,916.00	3,716.74		19,663.00
				, ,	.,	.,0	0,1 70.1 1	, 0.00	10,000.00
ADMINISTRATION:									
Executive Salaries	3,192.30	6,916.00	3,723.70		15,961.50	20,748.00	4,786.50		83,000.00
Regular Salaries FICA Taxes & Medicare	1,538.46 361.92	3,334.00 784.00	1,795.54 422.08		7,692.30	10,002.00	2,309.70		40,000.00
Retirement	0.00	1,375.00		100.0	1,809.46 0.00	2,354.00 4,125.00	544.54 4,125.00		9,410.00 16,493.00
Life & Health Insurance	440.01	374.00	-66.01 -		2,836.06	1,122.00	-1,714.06		4,485.00
Workers' Compensation	94.50	0.00	-94.50	0	94.50	86.00	-8.50		344.00
Professional Services - Code	0.00	500.00		100.0	0.00	500.00	500.00	100.0	2,000.00
Travel & Per Diem	0.00	250.00		100.0	1,010.90	750.00	-260.90		3,000.00
Travel Allowance Insurance - Liability	400.00 178.00	400.00 0.00	0.00 -178.00	0.00	1,280.00	1,200.00	-80.00		4,800.00
Communications - Telephone	250.00	125.00	-125.00 -	_	178.00 382.52	735.00 375.00	-7.52	75.78 -2.01	2,930.00 1,500.00
Printing & Binding	0.00	17.00		100.0	0.00	51.00	51.00		200.00
Advertising - Legal	0.00	834.00		100.0	1,286.00	2,502.00	1,216.00		10,000.00
Office Supplies	0.00	42.00	42.00	100.0	22.84	126.00	103.16	81.87	500.00
Operating Supplies	0.00	42.00		100.0	551.39	126.00	-425.39		500.00
Memberships, Dues & Subscriptions Education & Training	260.00	84.00	-176.00 -		949.00	252.00	-697.00		1,000.00
•	0.00	125.00	125.00		989.40	375.00	-614.40		1,500.00
TOTAL ADMINISTRATION	6,715.19	15,202.00	8,486.81	55.83	35,043.87	45,429.00	10,385.13	22.86	181,662.00
FINANCE:									
Regular Salaries & Wages	2,658.46	5,760.00	3,101.54	53.85	13,292.30	17,280.00	3,987.70	23.08	69,120.00
FICA Taxes & Medicare	203.35	441.00		53.89	1,016.79	1,323.00		23.15	5,288.00
Retirement Life & Health Insurance	0.00 998.02	634.00		100.0	0.00	1,902.00	1,902.00		7,603.00
Workers' Compensation	54.00	730.00 0.00	-268.02 - -54.00	-36.72 0	2,330.94 54.00	2,190.00 49.00	-140.94	-6.44 -10.20	8,760.00 193.00
Professional Services - Audit	0.00	0.00	0.00	ŏ	0.00	0.00	0.00	10.20	18,000.00
Contract Svc - Accounting Software	0.00	0.00	0.00	ō	1,543.00	4,100.00	2,557.00	_	4,100.00
Contract Svc - Payroll	191.10	200.00	8.90	4.45	662.31	600.00	-62.31	-10.39	2,400.00
Travel & Per Diem	0.00	84.00		100.0	0.00	252.00		100.0	1,000.00
Rent Storage Facilities Insurance - Liability	544.00 100.00	0.00 0.00	-544.00	0	691.12	0.00	-691.12	0	0.00
Office Supplies	0.00	17.00	-100.00 17.00	0 100.0	100.00 539.76	0.00 51.00	-100.00 -488.76	0583	0.00 200.00
Memberships, Dues & Subscriptions	0.00	35.00		100.0	0.00	105.00	105.00		420.00
TOTAL FINANCE	4,748.93	7,901.00		39.89	20,230.22	27,852.00	7,621.78		117,084.00
	,	.,	3,752751		,	_,,002.00	1,0210	E7.07	117,001.00
LEGAL:	40 404 00								
Professional Svcs - Legal Professional Svcs - Other Legal	10,421.00 0.00	5,000.00	-5,421.00 -		10,421.00	15,000.00	4,579.00		60,000.00
TOTAL LEGAL		2,084.00	2,084.00		1,673.54	6,252.00	4,578.46		25,000.00
IOTAL LEGAL	10,421.00	7,084.00	-3,337.00 -	47.11	12,094.54	21,252.00	9,157.46	43.09	85,000.00
PLANNING & ZONING:									
Professional Svcs - Eng/Planning	2,500.00	667.00	-1,833.00 -	274.8	2,500.00	2,001.00	-499.00	-24.94	8,000.00
TOTAL PLANNING & ZONING	2,500.00	667.00	-1,833.00 -	274.8	2,500.00	2,001.00	-499.00	-24.94	8,000.00
GENERAL GOVERNMENT:									
Regular Salaries & Wages	567.00	1,417.00	850.00	59 99	2,980.50	4,251.00	1,270.50	20.80	17,000.00
FICA Taxes & Medicare	43.37	109.00	65.63		228.01	327.00		30.27	1,300.00
Retirement	0.00	156.00	156.00	100.0	0.00	468.00	468.00		1,870.00
Workers' Compensation	13.50	0.00	-13.50	0	13.50	12.00		-12.50	48.00
Professional Svcs - Medical Professional Svcs - IT	0.00	117.00		100.0	200.00	351.00	151.00		1,400.00
Professional Svcs - Lobbyists	0.00 450.00	1,000.00 417.00		100.0 -7.91	1,190.00 450.00	3,000.00 1,251.00	1,810.00		12,000.00
Postage & Shipping	0.00	63.00		100.0	31.95	189.00	801.00 157.05		5,000.00 750.00
Electric	2,278.61	2,500.00	221.39	8.86	6,812.52	7,500.00	687.48		30,000.00
Water & Sewer	47.57	13.00	-34.57 -	265.9	434.11	39.00	-395.11		150.00
Rented or Leased Equipment	0.00	350.00		100.0	0.00	1,050.00	1,050.00		4,200.00
Rent Storage Facilities Insurance - Vehicles	272.00 20.00	0.00	-272.00 20.00	0	196.54	0.00	-196.54		0.00
Insurance - Vehicles	25.00 25.00	0.00 0.00	-20.00 -25.00	0	20.00 25.00	0.00 90.00	-20.00	0 72.22	0.00 352.00
Insurance - Property	1,693.00	0.00	-1,693.00	Ö	1,693.00	5,427.00	3,734.00		21,706.00
Communications - Telephone	1,748.33	1,042.00	-706.33 -		4,994.87	3,126.00	-1,868.87		12,500.00

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTD Budget	\$ Var.	% Var.	Annual
R & M - Equipment	0.00	250.00	250.00	100.0	215.00	750.00	535.00	71.33	
Printing & Binding	0.00	84.00	84.00	100.0	0.00	252.00	252.00		-,
Promotional Activities	0.00	250.00	250.00		0.00	750.00		100.0	
Office Supplies Operating Supplies	398.68	42.00	-356.68		690.02	126.00	-564.02		500.00
Memberships, Dues & Subscriptions	54.25 0.00	42.00 61.00	-12.25		140.16	126.00		-11.24	500.00
Education & Trainins	0.00	13.00	61.00 13.00	100.0	176.87	183.00	6.13		
Contingency	0.00	6,407.00	6,407.00	100.0	0.00 0.00	39.00 19,221.00	39.00 19,221.00		
Aids to Private Organizations	0.00	209.00		100.0	0.00	627.00	627.00		
TOTAL GENERAL GOVERNMENT	7,611.31	14,542.00	6,930.69		20,492.05	49,155.00	28,662.95		196,533.00
POLICE:									
Regular Salaries & Wages	20,896.40	49,507.00	28,610,60	57.79	99,426.25	148,521.00	49,094.75	33.06	594,076.00
Other Salaries & Wages	555.00	2,386.00	1,831.00	76.74	4,586.60	7,158.00	2,571.40		28,629.00
Overtime	2,542.17	1,667.00	-875.17		7,903.11	5,001.00	-2,902.11		20,000.00
Special Pay - Police Incentive Special Pay - Court Time	700.00	667.00	-33.00	-4.95	2,953.04	2,001.00	-952.04		8,000.00
FICA Taxes & Medicare	206.64 1,904.85	834.00 4,212.00		75.22 54.78	1,775.64	2,502.00	726.36		10,000.00
Retirement	0.00	11,725.00	11,725.00	100.0	8,923.20 0.00	12,636.00 35,175.00	3,712.80 35,17 5 .00		50,544.00
Life & Health Insurance	3,259.80	4.015.00		18.81	12,113.58	12,045.00	-68.58	100.0 -0.57	140,691.00 48,180.00
Workers' Compensation	6,890.00	0.00	-6,890.00	0	6,890.00	5,915.00	-975.00		23,658.00
Unemployment Compensation	0.00	334.00		100.0	0.00	1,002.00	1,002.00		4,000.00
Professional Svcs - Legal Other Professional Svcs - Medical	0.00	84.00		100.0	0.00	252.00	252.00		1,000.00
Transcription Fees	35.00 0.00	84.00 167.00		58.33	570.00	252.00	-318.00		1,000.00
Travel & Per Diem	0.00	84.00		100.0 100.0	0.00 0.00	501.00	501.00	100.0	2,000.00
Rented or Leased Equipment	288.00	84.00	-204.00		288.00	252.00 252.00	252.00 -36.00		1,000.00
Rent Storage Facilities	288.00	0.00	-288.00	0	337.42	0.00	-337.42	-14.29	1,000.00 0.00
Insurance - Vehicles	1,924.00	0.00	-1,924.00	0	1,924.00	1,800.00	-124.00	-6.89	7,200.00
Insurance - Liability	9,529.00	0.00	-9,529.00	0	9,529.00	7,626.00	-1,903.00		30,500.00
Insurance - Old W.C. Claims Insurance - Property	0.00	1,667.00	*	100.0	0.00	5,001.00	5,001.00	100.0	20,000.00
Communications - Telephone	324.00 80.02	0.00 417.00	-324.00	0	324.00	0.00	-324.00	0	0.00
R & M - Equipment	0.00	317.00		80.81 100.0	422.52 93.00	1,251.00	828.48	66.23	5,000.00
R & M - Radios	0.00	84.00		100.0	0.00	951.00 252.00	858.00 252.00		3,800.00 1,000.00
R & M Vehicles	295.09	1,109.00		73.39	2,891.54	3,327.00	435.46	13.09	13,300.00
Printing & Binding	0.00	50.00	50.00	100.0	0.00	150.00	150.00		600.00
Miscellaneous Charges Office Supplies	0.00	17.00		100.0	54.25	51.00	-3.25	-6.37	200.00
Operating Supplies	0.00 0.00	167.00 292.00		100.0	307.77	501.00	193.23	38.57	2,000.00
Uniforms & Clothing	-122,99	450.00		100.0 127.3	622.60 92.93	876.00 1,350.00	253.40	28.93	3,500.00
Gas & Oil	0.00	2,500.00		100.0	33.06	7,500.00	1,257.07 7,466.94		5,400.00 30,000.00
Memberships, Dues and Subscription	0.00	125.00	•	100.0	216.87	375.00	158.13		1,500.00
Education & Training	0.00	209.00	209.00	100.0	0.00	627.00	627.00		2,500.00
Principal Interest	3,563.82	4,022.00		11.39	13,285.62	12,066.00	-1,219.62	-10.11	48,255.00
TOTAL POLICE	307.83	308.00	0.17	0.06	1,074.17	922.00	-152.17		3,694.00
	53,466.63	87,584.00	34,117.37	38.95	176,638.17	278,091.00	101,452.83	36.48	1,112,227.00
BUILDING DEPARTMENT:									
Regular Salaries & Wages	1,140.00	2,470.00	1,330.00		5,700.00	7,411.00	1,711.00	23.09	29,641.00
FICA Taxes & Medicare Retirement	87.21 0.00	189.00		53.86	436.05	567.00	130.95		2,267.00
Life & Health Insurance	366.26	272.00 365.00		100.0 -0.35	0.00 1.032.72	816.00	816.00		3,260.00
Workers' Compensation Ins.	23.25	0.00	-23.25	0.33	23.25	1,095.00 21.00	62.28 -2.25	5.69	4,380.00
Professional Svcs - IT	0.00	100.00		100.0	1,198.00	300.00	-898.00		83.00 1,200.00
Professional Svcs - Inspections	150.00	4,350.00	4,200.00		150.00	13,050.00		98.85	52,200.00
Insurance - Liability Office Supplies	43.00	0.00	-43.00	0	43.00	312.00		86.22	1,248.00
Operating Supplies	0.00 0.00	42.00		100.0	0.00	126.00	126.00		500.00
Memberships, Dues & Subscriptions	0.00	100.00 9.00	100.00 9.00	100.0	0.00 0.00	300.00		100.0	1,200.00
Education & Training	0.00	13.00	13.00		0.00	27.00 39.00	27.00 39.00	100.0	100.00
Equipment	0.00	0.00	0.00	0	636.80	0.00	-636.80	0.001	150.00 0.00
TOTAL BUILDING	1,809.72	7,910.00	6,100.28	77.12	9,219.82	24,064.00	14,844.18		96,229.00
CODE ENFORCEMENT:									
Regular Salaries & Wages	7,346.00	2,667.00	-4,679.00 -	175.4	20,777.64	8,001.00	-12,776.64	150 6	32,000.00
Other Salaries & Wages	0.00	500.00	500.00		0.00	1,500.00	1,500.00		6,000.00
FICA Taxes & Medicare	561.98	243.00	-318.98 -	131.2	1,119.26	729.00	-390.26		2,907.00
Retirement Life & Health Insurance	0.00	349.00	349.00		0.00	1,047.00	1,047.00	100.0	4,180.00
Workers' Compensation Ins.	366.26 314.50	365.00 0.00		-0.35	1,658.60	1,095.00	-563.60		4,380.00
Postage & Shipping	0.00	25.00	-314.50 25.00	0 100 0	314.50 0.00	270.00 75.00	-44.50 ·		1,079.00
- ''	3.00	20.00	20.00	. 55.5	0.00	75.00	75.00	100.0	300.00

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTD Budget	\$ Var.	% Var.	Annual
Insurance - Vehicles	0.00	0.00	0.00	0	0.00	150.00	150.00	100.0	600.00
Insurance - Liability	55.00	0.00	-55.00	0	55.00	0.00	-55.00		
Communications - Telephone	26.99	50.00	23.01		140.69	150.00	9.31	6.21	
R & M - Equipment	0.00	100.00	100.00		0.00	300.00	300.00		1,200.00
R & M - Vehicles	0.00	42.00	42.00		0.00	126.00	126.00		500.00
Printing & Binding	0.00	13.00	13.00		0.00	39.00	39.00		
Filing Fees - Liens	0.00	84.00	84.00		0.00	252.00	252.00		
Office Supplies Uniforms & Clothing	0.00 0.00	17.00	17.00		0.00	51.00	51.00		
Memberships, Dues & Subscriptions	0.00	11.00 9.00	11.00		0.00	33.00	33.00		
Education & Training	0.00	9.00	9.00 9.00		0.00 0.00	27.00 27.00	27.00 27.00		
TOTAL CODE ENFORCEMENT	8,670.73	4,484.00	-4,186.73		24,065.69	13,872.00	-10,193.69		
PUBLIC WORKS:	,	.,	1,122112		_ ,,,,,,,,,	10,012,00	10,700.00	-, 0.40	00,421.00
Regular Salaries & Wages	6,146.88	12 222 00	7 476 40	50.00	04 400 40	00.000.00	45 500 00		
Overtime	0.00	13,323.00 50.00	7,176.12 50.00		24,406.40	39,969.00	15,562.60		•
FICA Taxes & Medicare	470.25	1,019.00	548.75		0.00 2,494.45	150.00	150.00		
Retirement	0.00	1,466.00	1,466.00		0.00	3,059.00 4,398.00	564.55 4,398.00		,
Life & Health Insurance	2,091.30	2,084.00	-7.30		6,142.10	6,253.00	110.90	1.77	,
Workers' Compensation Ins.	5,110.75	0.00	-5,110.75	0.00	5,110.75	3,216.00	-1,894.75		
Unemployment Compensation	0.00	334.00	334.00		0.00	1,002.00	1,002.00		
Communications - Telephone	280.68	250.00		-12.27	2,154.13	750.00	-1,404.13		3,000.00
Communications - Radios	0.00	42.00	42.00	100.0	0.00	126.00	126.00		500.00
Electric	154.55	225.00	70.45	31.31	498.30	675.00	176.70		2,700.00
Water & Sewer	0.00	392.00	392.00		382.25	1,176.00	793.75		4,700.00
Rented or Leased Equipment	0.00	334.00	334.00		0.00	1,002.00	1,002.00	100.0	4,000.00
Insurance - Vehicles	292.00	0.00	-292.00	0	292.00	140.00	-152.00	-108.5	563.00
Insurance - Liability	1,759.00	0.00	-1,759.00	0	1,833.44	675.00	-1,158.44	-171.6	2,700.00
Insurance - Property R & M - Land/Landscaping	325.00	0.00	-325.00	0	325.00	0.00	-325.00	0	
R & M - Summer Mowing	136.80	417.00	280.20		2,091.80	1,251.00	-840.80		5,000.00
R & M - Buildings	0.00 5,083.00	417.00 500.00	417.00		0.00	1,251.00	1,251.00		5,000.00
R & M - Equipment	0.00	209.00	-4,583.00 209.00		7,869.25	1,500.00	-6,369.25		6,000.00
R & M - Vehicles	0.00	52.00	52.00		373.00 1,809.21	627.00 157.00	254.00		2,500.00
Office Supplies	0.00	100.00	100.00	100.0	31.19	300.00	-1,652.21 268.81	89.60	625.00 1,200.00
Operating Supplies	0.00	584.00	584.00	100.0	1,080.13	1,752.00	671.87		7,000.00
Uniforms & Clothing	-266.70	146.00	412.70		112.43	438.00	325.57		1,750.00
Gas & Oil	0.00	167.00	167.00	100.0	735.21	501.00	-234.21		2,000.00
TOTAL PUBLIC WORKS	21,583.51	22,111.00	527.49	2.39	57,741.04	70,368.00			281,386.00
RECREATION:									
Regular Salaries & Wages	1,237.18	2,681.00	1,443.82	53.85	7,071.90	8,043.00	971.10	12,07	32,168,00
Other Salaries & Wages	770.00	2,000.00	1,230.00		3,258.00	6,000.00	2,742.00		24,000.00
FICA Taxes & Medicare	153.54	358.00	204.46		632.88	1,075.00	442.12		4,297.00
Retirement	0.00	515.00	515.00	100.0	0.00	1,545.00	1,545.00		6,178.00
Life & Health Insurance	366.26	365.00	-1.26	-0.35	992.14	1,095.00	102.86	9.39	4,380.00
Workers' Compensation Ins.	581.00	0.00	-581.00	0	581.00	590.00	9.00		2,360.00
Electric	317.83	500.00	182.17		1,229.13	1,500.00	270.87		6,000.00
Water & Sewer	0.00	59.00	59.00		0.00	177.00	177.00	100.0	700.00
Rented or Leased Equipment	0.00	63.00	63.00	100.0	0.00	189.00	189.00		750.00
Insurance - Vehicles	289.00	0.00	-289.00	0	289.00	148.00	-141.00		592.00
Insurance - Liability Insurance - Property	82.00	0.00	-82.00	0	82.00	300.00	218.00		1,200.00
Communications - Telephone	1,704.00 112.23	0.00	-1,704.00	4.00	1,704.00	0.00	-1,704.00	0	0.00
R & M - Land	0.00	117.00 417.00	4.77 417.00	4.08	224.36	351.00	126.64	36.08	1,400.00
R & M - Equipment	94.99	459.00	364.01	100.0 79.31	3,680.00 283.89	1,251.00 1,377.00	-2,429.00	-194.1	5,000.00
R & M - Vehicles	0.00	25.00		100.0	0.00	75.00	1,093.11		5,500.00
Printing & Binding	0.00	25.00		100.0	0.00	75.00 75.00	75.00 75.00	100.0	300.00 300.00
Misc - Concession Purchases	206.86	317.00	110.14		748.01	951.00	202.99		3,800.00
Misc - Special Events	2,245.55	250.00	-1,995.55		2,554.67	750.00	-1,804.67		3,000.00
Office Supplies	0.00	42.00		100.0	0.00	126.00	126.00	100.0	500.00
Operating Supplies	0.00	42.00	42.00	100.0	385.43	126.00	-259.43	-205.9	500.00
Uniforms & Clothing	0.00	17.00		100.0	0.00	51.00	51.00	100.0	200.00
Gas & Oil	0.00	21.00	21.00	100.0	0.00	63.00	63.00	100.0	250.00
Memberships, Dues & Subscriptions	0.00	25.00	25.00		0.00	75.00	75.00		300.00
Education & Training	0.00	17.00	17.00		0.00	51.00	51.00	100.0	200.00
TOTAL RECREATION	8,160.44	8,315.00	154.56	1.86	23,716.41	25,984.00	2,267.59	8.73	103,875.00
TOTAL EXPENDITURES/EXPENSE	125,845.46	176,362.00	50,516.54	28.64	382,941.07	562,984.00	180,042.93	31.98	2,257,080.00

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Budget Comparison (Accrual) Fund 001 - General Fund - (fund001) December 2010

 MTD Actual
 MTD Budget
 \$ Var.
 % Var.
 YTD Actual
 YTD Budget
 \$ Var.
 Annual

 NET INCOME
 746,324.83
 712,905.00
 33,419.83
 4.69
 634,135.96
 538,551.00
 95,584.96
 17.75
 0.00

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Village of Biscayne Park Fund 101 - Road Fund - (fund101) December 2010

ASSETS Cash-General Operating Account Equity in Pooled Cash Accounts Receivable-FYE Accruals Accts Rec - AFLAC Accts Rec - Health Insurance Accts Rec - Life & Dental Due from General Fund Due from Other Government Units PROPERTY	4,106.64 21,822.41 -6,942.62 -10.10 89.34 -40.40 26,092.25 8,932.62
TOTAL ASSETS	54,050.14
LIABILITIES & FUND BALANCES Accounts Payable Credit Union Payable Union Dues Payable - PAT Accrued Wages Payable Accrued Taxes Payable TOTAL LIABILITIES	145.36 195.00 45.11 678.59 51.91 1,115.97
FUND BALANCES Fund Balance - Unreserved TOTAL LIABILITIES & FUND BALANCES TOTAL LIABILITIES & FUND BALANCES	52,934.17 -52,934.17 -54,050.14

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTD Budget	\$ Var.	% Var.	Annual
REVENUES Local Option Fuel Tax (1-6 cents) Local Option Fuel Tax (1-5 Cents)	4,821.48 1,904.25	1,856.00 4,832.00	2,965.48 -2,927.75		9,977.91 3,916.50	5,568.00 14,496.00	4,409.91 -10,579.50		22,266.00 57,984.00
UTILITY SERVICE TAXES									
BUILDING PERMITS									
FRANCHISE FEES									
OTHER PERMITS & FEES FDOT 6 Ave Median Maint	0.00	0.00	0.00	0	0.00	995.00	-995.00	-100.0	3,980.00
STATE SHARED REVENUES: State Revenue Sharing	1,957.35	2,114.00	-156.65	-7.41	3,916.04	6,342.00	-2,425.96	-38.25	25,366.00
COUNTY SHARED REVENUES:									
PARKS & RECREATION FEES									
OTHER CHARGES FOR SERVICES									
JUDGEMENTS & FINES									
MISCELLANEOUS REVENUES; Miscellaneous Other Appropriated Fund Balance	25.00 0.00	0.00 730.00	25.00 -730.00		25.00 0.00	0.00 2,190.00	25.00 -2,190.00	_	0.00 8,762.00
TOTAL REVENUES	8,708.08	9,532.00	-823.92	-8.64	17,835.45	29,591.00	-11,755.55	-39.73	118,358.00
EXPENDITURES/EXPENSES:							,		
SANITATION/GARBAGE:									
Bank Charges & Fees	0.00	0.00	0.00	0	50.00	0.00	-50.00	0	0.00
TOTAL EXPENSES SANITATION	0.00	0.00	0.00	0	50.00	0.00	-50.00	0	0.00
STREETS & ROADS: Regular Salaries & Wages FICA Taxes Retirement Contributions Health, Life & Dental Insurance Workers' Compensation Insurance Annual Audit Rentals and Leases Insurance - Vehicles Insurance - Liability R & M - Equipment R & M - Vehicles Operating Supplies Uniforms & Clothing Gas & Oil Road Materials & Supplies Admin Fee - General Fund TOTAL STREETS & ROADS	2,255.73 172.57 0.00 -308.84 1,499.50 0.00 0.00 328.00 586.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	4,972.00 381.00 547.00 859.00 0.00 500.00 125.00 0.00 100.00 25.00 30.00 60.00 42.00 635.00 0.00	30.00 -42.90 42.00 635.00 0.00 3,640.14	54.71 100.0 135.9 0 100.0 100.0 0 0 100.0 100.0 -71.50 100.0 100.0 0 43.98	11,268.50 862.00 0.00 1,864.10 1,499.50 0.00 328.00 586.00 359.86 3,226.72 0.00 404.36 0.00 0.00 20,399.04	14,916.00 1,143.00 1,639.00 2,577.00 1,699.00 500.00 375.00 356.00 433.00 75.00 80.00 160.00 1,907.00 3,535.00 29,821.00	-244.36 126.00 1,907.00 3,535.00 9,421.96	24.58 100.0 27.66 11.74 100.0 7.87 -35.33 -19.95 -4,202 100.0 -152.7 100.0 100.0 31.60	59,656.00 4,564.00 6,562.00 10,314.00 6,794.00 1,000.00 1,500.00 1,424.00 1,732.00 1,200.00 300.00 350.00 700.00 500.00 7,616.00 14,146.00
TOTAL EXPENDITURES/EXPENSE	4,635.86	8,276.00	3,640.14	43.98	20,449.04	29,821.00	9,371.96	31.43	118,358.00
NET INCOME	4,072.22	1,256.00	2,816.22	224.2	-2,613.59	-230.00	-2,383.59	-1,036	0.00

Village of Biscayne Park Fund 103 - CITT Fund - (fund103) December 2010

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ASSETS Cash-General Operating Account Cash - Transit Surtax Equity in Pooled Cash Accounts Receivable Accounts Receivable-FYE Accruals Accts Rec - Other	-3,000.00 121,425.51 -133,635.90 90,000.00 -9,240.00 16,169.00
PROPERTY	
TOTAL ASSETS	81,718.61
FUND BALANCES Fund Balance - Unreserved TOTAL LIABILITIES & FUND BALANCES TOTAL LIABILITIES & FUND BALANCES	81,718.61 -81,718.61 -81,718.61

Budget Comparison (Accrual) Fund 103 - CITT Fund - (fund103) December 2010

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTO Budget	\$ Var.	% Var.	Annual
REVENUES									
UTILITY SERVICE TAXES									
BUILDING PERMITS									
FRANCHISE FEES									
OTHER PERMITS & FEES									
STATE SHARED REVENUES:									
COUNTY SHARED REVENUES: Transit Surtax	0.00	6,110.00	-6,110.00	-100.0	0.00	18,330.00	-18,330.00	-100.0	73,322.00
PARKS & RECREATION FEES									
OTHER CHARGES FOR SERVICES									
JUDGEMENTS & FINES									
MISCELLANEOUS REVENUES; Interest Earnings Miscellaneous Other Appropriated Fund Balance	0.00 0.00 0.00	17.00 0.00 17,000.00	-17.00 0.00 -17,000.00	-100.0 0 -100.0	0.00 3,500.00 0.00	51.00 0.00 34,000.00	-51.00 3,500.00 -34,000.00	-100.0 0 -100.0	200.00 0.00 170,000.00
TOTAL REVENUES	0.00	23,127.00	-23,127.00	-100.0	3,500.00	52,381.00	-48,881.00	-93.32	243,522.00
EXPENDITURES/EXPENSES:					•				
TRANSIT & TRANSPORTATION Regular Salaries & Wages FICA Taxes Retirement Contributions Workers' Compensation Insurance - Vehicles Insurance - Liability R & M - Vehicles Gas & Oil Contingency Principal Interest Transfer to Capital Projects Fund TOTAL TRANSIT & TRANSPORTAT	0.00 0.00 397.50 333.00 527.00 0.00 0.00 -3,631.83 -210.96 0.00 -2,585.29	1,040.00 79.00 115.00 0.00 0.00 0.00 217.00 3,869.00 0.00 17,000.00 22,320.00	1,040.00 79.00 115.00 -397.50 -333.00 -527.00 0.00 217.00 3,869.00 3,631.83 210.96 17,000.00 24,905.29	100.0 100.0 0 0 0 100.0 100.0 0 100.0	0.00 0.00 397.50 333.00 527.00 0.00 0.00 0.00 0.00 0.00 1,257.50	3,120.00 237.00 345.00 251.00 125.00 0.00 125.00 649.00 11,607.00 0.00 34,000.00 50,459.00	3,120.00 237.00 345.00 -146.50 -208.00 -527.00 125.00 649.00 0.00 0.00 34,000.00 49,201.50	100.0 100.0 -58.37 -166.4 0 100.0 100.0 100.0 0 0 0 100.0 97.51	12,480.00 955.00 1,373.00 1,005.00 500.00 0.00 500.00 2,600.00 46,423.00 7,446.00 240.00 170,000.00 243,522.00
NET INCOME	2,585.29	807.00	1,778.29	220.3	2,242.50	1,922.00	320.50	16.68	0.00

Village of Biscayne Park Fund 105 - Police Forfeiture Fund - (fund105) December 2010

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ASSETS Cash-General Operating Account Cash - State Forfeiture Acct Cash - Federal Forfeiture Acct Cash - Crime Watch Accts Rec - Other	-910.93 21,401.90 17,230.21 3,164.88 108,761.06
PROPERTY	
TOTAL ASSETS	149,647.12
LIABILITIES & FUND BALANCES Accounts Payable Due to General Fund TOTAL LIABILITIES	330.00 74,102.95 74,432.95
FUND BALANCES Fund Balance - Unreserved TOTAL LIABILITIES & FUND BALANCES TOTAL LIABILITIES & FUND BALANCES	75,214.17 -75,214.17 -149,647.12

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Budget Comparison (Accrual) Fund 105 - Police Forfeiture Fund - (fund105) December 2010

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	_YTD Budget	\$ Var.	% Var.	Annual
REVENUES									
UTILITY SERVICE TAXES									
BUILDING PERMITS									
FRANCHISE FEES									
OTHER PERMITS & FEES									
STATE SHARED REVENUES:									
COUNTY SHARED REVENUES:									
PARKS & RECREATION FEES									
OTHER CHARGES FOR SERVICES									
JUDGEMENTS & FINES State Forfeitures Federal Forfeitures	0.00 0.00	0.00 0.00	0.00 0.00		-660.00 0.00	0.00 0.00	-660.00 0.00	•	5,000.00 20,000.00
MISCELLANEOUS REVENUES; Interest Earnings	0.00	0.00	0.00	0	16.47	0.00	16.47	0	0.00
TOTAL REVENUES	0.00	0.00	0.00	0	-643.53	0.00	-643.53	0	25,000.00
EXPENDITURES/EXPENSES:									·
POLICE: Rent Storage Facilities Communications - Telephone TOTAL POLICE TOTAL EXPENDITURES/EXPENSE	330.00 0.00 330.00	0.00 0.00 0.00	-330.00 0.00 -330.00		330.00 250.93 580.93	0.00 0.00 0.00	-330.00 -250.93 -580.93	0	0.00 0.00 0.00
NET INCOME	-330.00	0.00	-330.00		-1,224.46	0.00	-1,224.46		25,000.00

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Village of Biscayne Park Fund 302 - Capital Projects Fund - (fund302) December 2010

ASSETS Cash-General Operating Account Cash - Capital Projects Equity in Pooled Cash Accts Rec - Other Due from General Fund	-95,243.28 39.76 -426,679.43 31,118.59 250.00
PROPERTY	
TOTAL ASSETS	-490,514.36
LIABILITIES & FUND BALANCES Accrued Accounts Payable Retainage Payable TOTAL LIABILITIES	37,709.67 12,899.57 50,609.24
FUND BALANCES Fund Balance - Unreserved TOTAL LIABILITIES & FUND BALANCES TOTAL LIABILITIES & FUND BALANCES	-541,123.60 541,123.60 490,514.36

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Budget Comparison (Accrual) Fund 302 - Capital Projects Fund - (fund302) December 2010

	MTD Actual	MTD Budget	\$ Var.	% Var.	YTD Actual	YTD Budget	\$ Var.	% Var.	Annual
REVENUES									
UTILITY SERVICE TAXES									
BUILDING PERMITS									
FRANCHISE FEES									
OTHER PERMITS & FEES Grant - 2008 Fla Stormwater	0.00	25,000.00	-25,000.00	-100.0	0.00	25,000.00	-25,000.00	-100.0	200,000.00
STATE SHARED REVENUES:									
COUNTY SHARED REVENUES:									
PARKS & RECREATION FEES									
OTHER CHARGES FOR SERVICES									
JUDGEMENTS & FINES									
MISCELLANEOUS REVENUES; Miscellaneous Other Transfer In - CITT Fund	0.00 0.00	0.00 10,000.00	0.00 -10,000.00		250.00 0.00	0.00 20,000.00	250.00 -20,000.00	0-100.0	0.00 170,000.00
TOTAL REVENUES	0.00	35,000.00	-35,000.00	-100.0	250.00	45,000.00	-44,750.00	-99.44	370,000.00
EXPENDITURES/EXPENSES: Grant - 2008 Drainage Rec Imp - EOC Hardening Rec Imp - Pavilion TOTAL CAPITAL PROJECTS TOTAL EXPENDITURES/EXPENSE	9,149.67 0.00 9,149.67 9,149.67	100,000.00 0.00 0.00 100,000.00	100,000.00 -9,149.67 0.00 90,850.33 90,850.33	0 0 90.85	47.00 19,440.57 37,409.67 56,897.24 56,897.24	100,000.00 0.00 0.00 100,000.00	99,953.00 -19,440.57 -37,409.67 43,102.76	43.10	370,000.00 0.00 0.00 370,000.00
NET INCOME	-9,149.67	-65,000.00	55,850.33	85.92	-56,647.24	-55,000.00	-1,647.24	-2.99	0.00

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Village of Biscayne Park Fund 402 - Sanitation Fund - (fund402) December 2010

ASSETS Cash-General Operating Account Equity in Pooled Cash Accts Rec - Waste Fees Prior Yrs Accounts Receivable-FYE Accruals Accts Rec - AFLAC Accts Rec - Other Allowance for Uncollectibel A/R Due from General Fund Due from Other Government Units	409,328.19 -175,593.24 126,507.59 -7,326.97 41.22 24,596.97 17,270.00 55,486.09 352.26
PROPERTY Equipment and Furniture Accum Depre-Equipment	267,754.10 177,649.10
TOTAL ASSETS	506,227.11
LIABILITIES & FUND BALANCES Accounts Payable Credit Union Payable Union Dues Payable - PAT Garnishments Payable Due to General Fund Accrued Wages Payable Accrued Vacation Payable Accrued Sick Time Payable Accrued Taxes Payable Capital Lease - Long Term TOTAL LIABILITIES	2,434.52 508.00 104.11 172.62 8,917.00 1,558.11 1,927.67 10,244.82 119.20 42,083.25 68,069.30
FUND BALANCES Fund Balance - Unreserved TOTAL LIABILITIES & FUND BALANCES TOTAL LIABILITIES & FUND BALANCES	438,157.81 -438,157.81 -506,227.11

Budget Comparison (Accrual) Fund 402 - Sanitation Fund - (fund402) December 2010

	MTD Actual	MTD Budget	\$ Var.	% Var	YTD Actual	YTD Budget	\$ Var.	% Var.	Annual
REVENUES									
UTILITY SERVICE TAXES									
BUILDING PERMITS									
FRANCHISE FEES									
OTHER PERMITS & FEES									
STATE SHARED REVENUES:									
COUNTY SHARED REVENUES: Sanitation Assessment Discount on Early Payment Domestic Trash / Lot Cleraring	531,238.32 -21,203.77 660.00	523,000.00 -17,695.00 0.00	8,238.32 -3,508.77 660.00	1.58 -19.83 0	586,480.32 -23,413.45 660.00	581,000.00 -19,995.00 0.00	5,480.32 -3,418.45 660.00	0.94 -17.10 0	727,074.00 -19,995.00 5,000.00
PARKS & RECREATION FEES									
OTHER CHARGES FOR SERVICES									
JUDGEMENTS & FINES									
MISCELLANEOUS REVENUES;									
TOTAL REVENUES	510,694.55	505,305.00	5,389.55	1.07	563,726.87	561,005.00	2,721.87	0.49	712,079.00
EXPENDITURES/EXPENSES:									
SANITATION/GARBAGE: Regular Salaries & Wages FICA Taxes & Medicare Retirement Life & Health Benefits Workers' Compensation Annual Audit Landfill Tipping Fees Recycling Contract Miami Shores Communications - Radios Postage & Shipping Insurance - Vehicles Insuranace - Liability R & M - Vehicles Advertising - Legal Office Supplies Operating Supplies Uniforms & Clothing Gas & Oil Depreciation - Equipment Contingency Principal Interest Admin Fee - General Fund Admin Fee - County Sanitation Billing Admin Fee - P.W. Direct Overhead TOTAL EXPENSES SANITATION	5,829.87 436.82 0.00 2,593.56 4,311.50 0.00 6,758.73 0.00 201.50 662.00 0.00 0.00 1,759.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	11,282.00 863.00 1,241.00 2,579.00 0.00 417.00 15,417.00 2,917.00 100.00 0.00 0.00 0.00 1,317.00 6.00 21.00 209.00 1,787.00 1,000.00 1,787.00 2,252.00 73.00 4,816.00 1,217.00 8,195.00 56,934.00	550.38 1,000.00 1,050.00 1,787.00 2,252.00	49.38 100.0 -0.56 0 100.0 56.16 100.0 0 0 0 100.0 100.0 47.73 314.5 100.0 100.0 100.0 100.0 100.0 100.0	26,875.30 2,037.70 0.00 7,609.20 4,311.50 0.00 41,123.07 8,750.00 0.00 201.50 662.00 1,759.00 1,353.99 0.00 0.00 109.24 165.85 0.00 0.00 13,179.59 765.55 0.00 5,447.13	33,844.00 2,590.00 3,723.00 7,737.00 3,853.00 1,251.00 46,251.00 300.00 0.00 2,125.00 1,250.00 3,951.00 61.00 627.00 525.00 3,000.00 3,150.00 5,361.00 6,756.00 219.00 14,450.00 3,651.00 24,585.00	3,723.00 127.80 -458.50 1,251.00 5,127.93 1.00 300.00 -201.50 1,463.00 -509.00 2,597.01 18.00 61.00	21.32 100.0 1.65 -11.90 100.0 11.09 0.01 100.0 0 68.85 -40.72 65.73 100.0 100.0 82.58 68.41 100.0 100.0 -95.08 -249.5 100.0 -49.20 100.0	135,382.00 10,357.00 14,892.00 30,942.00 15,409.00 5,000.00 185,000.00 1,200.00 5,000.00 15,800.00 2,500.00 2,500.00 2,500.00 2,500.00 2,100.00 12,600.00 21,447.00 27,020.00 871.00 57,794.00 14,600.00 98,340.00 712,079.00
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TOTAL EXPENDITURES/EXPENSE	27,733.97	56,934.00	29,200.03	51.29	114,350.62	178,029.00	63,678.38	35.77	712,079.00
NET INCOME	482,960.58	448,371.00	34,589.58	7.71	449,376.25	382,976.00	66,400.25	17.34	0.00